

labor, and business can be effected through the increase in agricultural cash income through such monetary legislation and the shifting of the burden of taxation and the elimination of the capital-gains tax; to the Committee on Ways and Means.

5327. By Mr. PLUMLEY: Resolutions adopted by the people of Rochester, Vt., at their town meeting, opposing the building of the flood-control dam at Gaysville, Vt., as proposed; to the Committee on Flood Control.

5328. By Mr. WADSWORTH: Petition of the citizens of the city of Rochester, N. Y., urging the enactment into law of House bill 1659 of the Seventy-fifth Congress; to the Committee on Banking and Currency.

SENATE

THURSDAY, JUNE 9, 1938

(Legislative day of Tuesday, June 7, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, June 8, 1938, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. LEWIS. Mr. President, the pending motion requires the presence of a quorum. I note the absence of a quorum and suggest a roll call.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Dieterich	King	Norris
Andrews	Duffy	La Follette	O'Mahoney
Austin	Frazier	Lee	Overton
Bankhead	Gerry	Lewis	Pittman
Barkley	Gibson	Lodge	Pope
Berry	Glass	Logan	Reames
Bilbo	Green	Loung	Russell
Borah	Guffey	Lundeen	Schwartz
Bulow	Hale	McAdoo	Schwellenbach
Burke	Hatch	McGill	Sheppard
Byrd	Hayden	McKellar	Shipstead
Byrnes	Herring	McNary	Smith
Capper	Hill	Miller	Townsend
Caraway	Hitchcock	Milton	Truman
Connally	Hughes	Minton	Vandenberg
Copeland	Johnson, Calif.	Murray	Van Nuys
Davis	Johnson, Colo.	Neely	Wheeler

Mr. LEWIS. I announce that the Senator from Ohio [Mr. BULKLEY], the Senator from Missouri [Mr. CLARK], the Senator from Iowa [Mr. GILLETTE], the Senator from Connecticut [Mr. MALONEY], the Senator from Nevada [Mr. McCARRAN], the Senator from New Jersey [Mr. SMATHERS], the Senator from Maryland [Mr. TYDINGS], and the Senator from Oklahoma [Mr. THOMAS] are detained from the Senate on important public business.

I ask that this announcement be recorded for the day.

Mr. AUSTIN. I announce that the Senator from New Hampshire [Mr. BRIDGES] is absent because of the death of his wife.

The VICE PRESIDENT. Sixty-eight Senators have answered to their names. A quorum is present.

PETITIONS

The VICE PRESIDENT laid before the Senate a letter in the nature of a petition from the Kings County Consolidated Civic League and the Sheephead Bay Property Owners Association, of Brooklyn, N. Y., praying for the enactment of House bill 9059, to provide a 2-year moratorium on principal payments where home owners keep up interest and tax payments, and also other pending legislation in the interest of home owners, which was referred to the Committee on Banking and Currency.

He also laid before the Senate a resolution adopted by the Board of Supervisors of Mariposa County, Calif., favoring the

enactment of House bill 4199, the so-called General Welfare Act, which was referred to the Committee on Finance.

Mr. BONE. I send to the desk 17 petitions signed by citizens of the State of Washington, which are a part of a large petition containing some 4,000,000 names, on a main petition asking Congress to keep the United States out of war. This is a part of the petition of the Veterans of Foreign Wars. I ask that these petitions be made of record and that an appropriate reference be made.

The VICE PRESIDENT. Without objection, the petitions will be received and referred to the Committee on Foreign Relations.

FLOOD-CONTROL DAMS—RESOLUTION OF CITIZENS OF ROCHESTER, VT.

Mr. GIBSON. Mr. President, I present and ask to have printed in the RECORD, and appropriately referred, a certified copy of a resolution adopted in town meeting by the citizens of Rochester, Vt., on March 2, 1937, relating to the proposed construction by the Federal Government of a flood-control dam at Gaysville.

There being no objection, the resolution was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Whereas the people of Rochester are greatly alarmed over the possibility that the Federal Government may build a flood-control dam at Gaysville; and

Whereas if this dam is built 186 feet high, as proposed by engineers, it will flood some of our best agricultural land; and

Whereas the Federal Government has already optioned about 10,000 acres of land in this town for the Federal forest, which, with the land proposed to be flooded, would leave the town only a skeleton of a grand list on which to raise its tax; and

Whereas competent engineers agree that if the proposed dam at Gaysville is for flood control only, then the same results could be obtained by building smaller dams on the tributaries of the upper White River; and

Whereas the building of a dam at Gaysville, as proposed, would ruin the scenic attractions of this valley, and would tend to influence summer visitors, who have already begun to buy homes in the valley, to seek other places of rest and recreation; Therefore be it

Resolved by the voters in town meeting assembled, That we are opposed to the building of the flood-control dam at Gaysville, as proposed; be it further

Resolved, That a duly certified copy of these resolutions be placed in the hands of our town representative, for use in the general assembly, if and when a bill is introduced into that assembly, giving Vermont's consent to the building of the dam in question, another copy to be placed on file in the town clerk's office; be it further

Resolved, That if a bill is introduced into Congress to form a Connecticut river authority, that a certified copy of these resolutions be sent to the two Vermont Senators and our Representatives in Congress for their use before their respective bodies.

[Presented by Wallace H. Wing and adopted at town meeting March 2, 1937.]

I hereby certify that the above is a true copy of the resolution as presented and adopted March 2, 1937.

Attest:

M. J. POLLARD, Town Clerk.

REPORTS OF COMMITTEES

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 3957) for the relief of James Thow, Charles Thow, and David Thow, reported it with amendments and submitted a report (No. 2037) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 6374. A bill for the relief of Lena R. Burnett (Rept. No. 2038);

H. R. 8375. A bill for the relief of Roscoe B. Huston (Rept. No. 2039);

H. R. 8567. A bill for the relief of Margaret B. Nonnenberg (Rept. No. 2040);

H. R. 8683. A bill for the relief of Gus Vakas (Rept. No. 2041);

H. R. 8744. A bill for the relief of J. G. Bucklin (Rept. No. 2042); and

H. R. 9297. A bill for the relief of Dr. Samuel A. Riddick (Rept. No. 2043).

Mr. MILTON, from the Committee on Claims, to which was referred the bill (H. R. 1363) for the relief of the estate

of Milton L. Baxter, reported it without amendment and submitted a report (No. 2044) thereon.

Mr. BAILEY, from the Committee on Claims, to which was referred the bill (S. 3781) for the relief of the International Oil Co., of Minot, N. Dak., reported it without amendment and submitted a report (No. 2045) thereon.

Mr. BROWN of Michigan, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 1250. A bill for the relief of Emilie Dew, Jack Welsh, Mary Jane Bowden, and Henry U. Gaines, Jr. (Rept. No. 2046);

H. R. 2560. A bill for the relief of the State of New York Insurance Department as liquidator (Rept. No. 2047);

H. R. 3225. A bill for the relief of Roland Stafford (Rept. No. 2048);

H. R. 3655. A bill for the relief of Clarence D. Schiffman (Rept. No. 2049);

H. R. 4830. A bill for the relief of Mrs. D. O. Benson (Rept. No. 2050);

H. R. 4864. A bill for the relief of Helen Rauch and Max Rauch (Rept. No. 2051);

H. R. 4941. A bill for the relief of Rogowski Bros. (Rept. No. 2052);

H. R. 5006. A bill for the relief of DeWitt F. McLaurine (Rept. No. 2053);

H. R. 6016. A bill for the relief of Lavina Karns (Rept. No. 2054);

H. R. 6296. A bill for the relief of Dr. A. C. Antony and others (Rept. No. 2055);

H. R. 6327. A bill for the relief of Edward J. Thompson (Rept. No. 2056);

H. R. 6846. A bill for the relief of Harvey and Carrie Robinson (Rept. No. 2057);

H. R. 7960. A bill for the relief of Wilma Artopoeus (Rept. No. 2058); and

H. R. 8391. A bill for the relief of Frances M. Heinzmann (Rept. No. 2059).

Mr. PEPPER, from the Committee on Interoceanic Canals, to which was referred the bill (S. 3621) to provide for the recognition of the services of the civilian officials and employees, citizens of the United States, engaged in and about the construction of the Panama Canal, reported it without amendment and submitted a report (No. 2060) thereon.

Mr. LOGAN, from the Committee on Claims, to which was referred the bill (S. 3937) conferring jurisdiction upon the Court of Claims of the United States to hear, determine, and render judgment upon the claim of the Wisconsin Bridge & Iron Co., reported it without amendment and submitted a report (No. 2071) thereon.

He also (for Mr. SMATHERS), from the same committee, to which was referred the bill (S. 4087) to provide for the payment of compensation to the widow of William R. Ramsey, Jr., who was killed in the performance of his duty as a special agent of the Federal Bureau of Investigation, reported it with amendments and submitted a report (No. 2061) thereon.

He also (for Mr. SMATHERS), from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 2358. A bill for the relief of Dwain D. Miles (Rept. No. 2062);

H. R. 2429. A bill for the relief of Eugene Nicholas (Rept. No. 2063); and

H. R. 5308. A bill for the relief of Anna Caporaso (Rept. No. 2064).

Mr. AUSTIN, from the Committee on the Judiciary, to which was referred the bill (S. 2783) to amend the China Trade Act, 1922, as to the duration of the China Trade Act corporations, reported it without amendment and submitted a report (No. 2065) thereon.

Mr. MILLER, from the Committee on Territories and Insular Affairs, to which was referred the bill (H. R. 10432)

to amend an act approved June 14, 1906 (34 Stat. 263), entitled "An act to prevent aliens from fishing in the waters of Alaska," reported it with an amendment and submitted a report (No. 2066) thereon.

Mr. JOHNSON of California, from the Committee on Naval Affairs, to which was referred the bill (H. R. 9258) to authorize the Secretary of the Navy to accept on behalf of the United States certain land in the city of Los Angeles, Calif., with improvements thereon, reported it without amendment and submitted a report (No. 2067) thereon.

Mr. WALSH, from the Committee on Naval Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 7167. A bill to provide for the promotion on the retired list of the Navy of Fred G. Leith (Rept. No. 2068);

H. R. 7520. A bill for the relief of members of the Navy or Marine Corps who were discharged from the Navy or Marine Corps during the Spanish-American War, the Philippine Insurrection, and the Boxer uprising because of minority or misrepresentation of age (Rept. No. 2069); and

H. R. 8571. A bill granting 6 months' pay to Mrs. Vallie M. Current (Rept. No. 2070).

Mr. WALSH also, from the Committee on Naval Affairs, to which was referred the bill (H. R. 10594) to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve, reported it with amendments and submitted a report (No. 2082) thereon.

Mr. DIETERICH, from the Committee on the Judiciary, to which was referred the bill (H. R. 6963) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto, reported it without amendment and submitted a report (No. 2073) thereon.

Mr. SCHWELLENBACH, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 2767. A bill for the relief of George L. Stone (Rept. No. 2074);

H. R. 4443. A bill for the relief of Meta De Rene McLoskey (Rept. No. 2075);

H. R. 5260. A bill for the relief of Col. William H. Noble (Rept. No. 2076);

H. R. 5615. A bill for the relief of Capt. B. B. Barbee (Rept. No. 2077);

H. R. 7344. A bill for the relief of Eddie Walker (Rept. No. 2078);

H. R. 8271. A bill to confer jurisdiction upon the Court of Claims of the United States to hear, determine, and render judgment upon the claims of the attorneys for the Russian Volunteer Fleet (Rept. No. 2079); and

H. R. 8643. A bill for the relief of Kate Durham Thomas (Rept. No. 2080).

He also, from the Committee on Military Affairs, to which was referred the bill (S. 3976) to authorize the appropriation of funds for the development of rotary-wing aircraft, reported it with amendments and submitted a report (No. 2081) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (H. R. 7693) to authorize the Secretary of War to transfer to the Government of Puerto Rico certain real estate of the War Department, reported it without amendment and submitted a report (No. 2083) thereon.

MINORITY VIEWS ON INVESTIGATION OF THE AMERICAN COTTON COOPERATIVE ASSOCIATION (PT. 2 OF REPT. NO. 2030)

Mr. SMITH submitted minority views on the investigation by the Committee on Agriculture and Forestry pertaining to certain activities of the American Cotton Cooperative Association (under Senate Resolutions 137 and 205, 75th Cong.), which were ordered to be printed.

PRINTING OF EXCERPTS FROM CERTAIN CENSUSES FOR NEW MEXICO
AND ARIZONA

Mr. HAYDEN, from the Committee on Printing, reported a resolution (S. Res. 293), which was considered by unanimous consent, read, and agreed to, as follows:

Resolved, That excerpts from the decennial Federal census of 1860 for the Territory of New Mexico, excerpts from the decennial Federal census of 1870 for the Territory of Arizona, together with excerpts from the special Territorial census of 1864 taken in Arizona under the authority of the act of September 9, 1850 (9 Stat. 448), be printed as a Senate document.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled bills and joint resolutions:

On June 7, 1938:

S. 3113. An act for the relief of the Congress Construction Co.

On June 8, 1938:

S. 821. An act for the relief of Lawson N. Dick;

S. 1220. An act for the relief of Josephine Russell;

S. 1340. An act for the relief of A. D. Weikert;

S. 1694. An act authorizing the Secretary of War to convey to the town of Montgomery, W. Va., a certain tract of land;

S. 2023. An act for the relief of Charles A. Rife;

S. 2368. An act to provide funds for cooperation with School District No. 2, Mason County, State of Washington, in the construction of a public-school building to be available to both white and Indian children;

S. 2409. An act for the relief of certain officers of the United States Navy and the United States Marine Corps;

S. 2655. An act for the relief of Lt. T. L. Bartlett;

S. 2709. An act for the relief of Mr. and Mrs. Joseph Konderish;

S. 2742. An act for the relief of Mrs. C. Doorn;

S. 2956. An act for the relief of Orville D. Davis;

S. 2979. An act for the relief of Glenn Morrow;

S. 2985. An act for the relief of John F. Fahey, United States Marine Corps, retired;

S. 3040. An act for the relief of Herman F. Krafft;

S. 3095. An act authorizing the Secretary of War to grant to the Coos County Court of Coquille, Oreg., and the State of Oregon an easement with respect to certain lands for highway purposes;

S. 3126. An act authorizing the Secretary of War to convey a certain parcel of land in Tillamook County, Oreg., to the State of Oregon to be used for highway purposes;

S. 3166. An act to amend section 2139 of the Revised Statutes, as amended;

S. 3188. An act for the relief of the Ouachita National Bank of Monroe, La.; the Milner-Fuller, Inc., Monroe, La.; estate of John C. Bass, of Lake Providence, La.; Richard Bell, of Lake Providence, La.; and Mrs. Cluren Surles, of Lake Providence, La.;

S. 3209. An act to authorize the Secretary of War to grant an easement to the city of Highwood, Lake County, Ill., in and over certain portions of the Fort Sheridan Military Reservation, for the purpose of constructing a waterworks system;

S. 3223. An act for the relief of the dependents of the late Lt. Robert E. Van Meter, United States Navy;

S. 3242. An act to aid in providing a permanent mooring for the battleship *Oregon*;

S. 3365. An act for the relief of Joseph D. Schoolfield;

S. 3410. An act for the relief of Miles A. Barclay;

S. 3416. An act providing for the addition of certain lands to the Black Hills National Forest in the State of Wyoming;

S. 3417. An act for the relief of the State of Wyoming;

S. 3543. An act authorizing the Comptroller General of the United States to settle and adjust the claim of Earle Lindsey;

S. 3820. An act to authorize membership on behalf of the United States in the International Criminal Police Commission;

S. 3822. An act to authorize an increase in the basic allotment of enlisted men to the Air Corps within the total en-

listed strength provided in appropriations for the Regular Army;

S. 3849. An act authorizing the Secretary of the Treasury to transfer on the books of the Treasury Department to the credit of the Chippewa Indians of Minnesota the proceeds of a certain judgment erroneously deposited in the Treasury of the United States as public money;

S. 3882. An act amending the act authorizing the collection and publication of cotton statistics by requiring a record to be kept of bales ginned by counties;

S. J. Res. 243. Joint resolution to provide for the transfer of the Cape Henry Memorial site in Fort Story, Va., to the Department of the Interior;

S. J. Res. 247. Joint resolution authorizing William Bowie, captain (retired), United States Coast and Geodetic Survey, Department of Commerce, to accept and wear decoration of the Order of Orange Nassau, bestowed by the Government of the Netherlands; and

S. J. Res. 289. Joint resolution to provide that the United States extend an invitation to the governments of the American republics, members of the Pan American Union, to hold the Eighth American Scientific Congress in the United States in 1940 on the occasion of the fiftieth anniversary of the founding of the Pan American Union; to invite these governments to participate in the proposed Congress; and to authorize an appropriation for the expenses thereof.

BILLS INTRODUCED

Bills were introduced read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LODGE:

A bill (S. 4161) for the relief of Walter G. McCormick; to the Committee on Claims.

By Mr. COPELAND:

A bill (S. 4162) making inapplicable certain reversionary provisions in the act of March 4, 1923 (42 Stat. 1450), and a certain deed executed by the Secretary of War, in the matter of a lease to be entered into by the United States for the use of a part of the former Fort Armistead Military Reservation for air-navigation purposes (with an accompanying paper); to the Committee on Commerce.

By Mr. BERRY:

A bill (S. 4163) granting a pension to Oscar K. Shell; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 4164) granting a pension to Edward Wright; to the Committee on Pensions.

By Mr. PITTMAN:

A bill (S. 4165) to give effect to the international agreement between the United States and certain other countries for the regulation of whaling, signed at London, June 8, 1937; to the Committee on Foreign Relations.

REPORT OF COMMERCE COMMITTEE

Mr. COPELAND, from the Committee on Commerce, to which was referred the bill (S. 4162) making inapplicable certain reversionary provisions in the act of March 4, 1923 (42 Stat. 1450), and a certain deed executed by the Secretary of War, in the matter of a lease to be entered into by the United States for the use of a part of the former Fort Armistead Military Reservation for air-navigation purposes, reported it without amendment and submitted a report (No. 2072) thereon.

AMENDMENTS TO SECOND DEFICIENCY APPROPRIATION BILL

Mr. NORRIS submitted an amendment intended to be proposed by him to House bill 10851, the second deficiency appropriation bill, 1938, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 26, after line 20, to insert the following:

"MISCELLANEOUS

"Cooperative farm forestry: For carrying out the provisions of the Cooperative Farm Forestry Act (50 Stat. 188), approved May 18, 1937, \$1,300,000, which amount shall be available for the employment of persons and means in the District of Columbia and elsewhere: *Provided*, That not more than 20 percent of this amount shall be expended on the Prairie States forestry project in the Prairie Plains region."

Mr. GUFFEY submitted an amendment intended to be proposed by him to House bill 10851, the second deficiency appropriation bill, 1938, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 53, line 17, to strike out "\$30,000" and insert "\$120,000."

Mr. BONE submitted an amendment intended to be proposed by him to House bill 10851, the second deficiency appropriation bill, 1938, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 22, after line 18, to insert the following section:

"BUREAU OF CHEMISTRY AND SOILS

"Food Research Division: For carrying on the work of the United States Frozen Pack Laboratory at Seattle, Wash., \$25,000."

Mr. SHEPPARD submitted an amendment intended to be proposed by him to House bill 10851, the second deficiency appropriation bill, 1938, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place in title I—General Appropriations—Legislative, insert the following:

"Office of the Secretary of the Senate: To pay to the Librarian and First Assistant Librarian, respectively, an additional \$1,140 and \$1,000."

Mr. SHEPPARD also submitted an amendment intended to be proposed by him to House bill 10851, the second deficiency appropriation bill, 1938, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place in title I—War Department, insert the following:

"Army Medical Library and Museum Building, District of Columbia, as authorized by the act entitled 'An act to authorize the Secretary of War to proceed with the construction of certain public works in connection with the War Department in the District of Columbia,' \$3,750,000."

INVESTIGATION OF TENNESSEE VALLEY AUTHORITY—LIMIT OF EXPENDITURES

Mr. SCHWARTZ (for Mr. DONAHEY) submitted the following concurrent resolution (S. Con. Res. 39), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved by the Senate (the House of Representatives concurring), That the limit of expenditures under the joint resolution entitled "Joint resolution creating a special joint congressional committee to make an investigation of the Tennessee Valley Authority," approved April 4, 1938, is hereby increased by the sum of \$100,000, such additional sum to be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives upon vouchers approved by the chairman of the special joint congressional committee created by such joint resolution.

HEARINGS BEFORE COMMITTEE ON THE LIBRARY

Mr. BARKLEY. I ask that the resolution which I submit and send to the desk be referred to the Committee to Audit and Control the Contingent Expenses of the Senate. It affects the Library Committee.

There being no objection, the resolution (S. Res. 292) was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Committee on the Library, or any subcommittee thereof, hereby is authorized during the Seventy-fifth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per hundred words, to report such hearings as may be had in connection with any subject which may be before said committee, the expense thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

OPERATION OF RADIO BROADCAST STATIONS

Mr. WHEELER submitted a resolution (S. Res. 294), which was ordered to lie on the table, as follows:

Resolved, That it is the sense of the Senate of the United States of America that the operation of radio broadcast stations in the standard broadcast band (550 to 1600 kilocycles) with power in excess of 50 kilowatts is definitely against the public interest, in that such operation would tend to concentrate political, social, and economic power and influence in the hands of a very small group, and is against the public interest for the further reason that the operation of broadcast stations with power in excess of 50 kilowatts has been demonstrated to have adverse and injurious

economic effects on other stations operating with less power, in depriving such stations of revenue and in limiting the ability of such stations to adequately or efficiently serve the social, religious, educational, civic, and other like organizations and institutions in the communities in which such stations are located and which must and do depend on such stations for the carrying on of community welfare work generally.

Resolved further, That it is, therefore, the sense of the Senate of the United States of America that the Federal Communications Commission should not adopt or promulgate rules to permit or otherwise allow any station operating on a frequency in the standard broadcast band (500 to 1600 kilocycles) to operate on a regular or other basis with power in excess of 50 kilowatts.

DEMOCRATIC PLATFORM PLEDGES AND THEIR FULFILLMENT—ADDRESS BY THE LATE SENATOR ROBINSON

[Mr. SCHWELLENBACH asked and obtained leave to have printed in the RECORD an address delivered in the Senate by the late Senator Robinson on June 20, 1936, on the subject of Democratic Platform Pledges and Their Fulfillment, which appears in the Appendix.]

RECIPROCAL-TRADE AGREEMENTS AFFECTING ZINC AND LEAD

[Mr. LEE asked and obtained leave to have printed in the RECORD a letter addressed by him to the President of the United States on the subject of the proposed reciprocal-trade agreement with Canada as affecting zinc and lead, which appears in the Appendix.]

ADDRESS BY SENATOR CHAVEZ AT CONVENTION OF LEAGUE OF UNITED LATIN AMERICAN CITIZENS

[Mr. HATCH asked and obtained leave to have printed in the RECORD an address delivered by Senator CHAVEZ at the convention of the League of United Latin American Citizens held at El Paso, Tex., June 4, 1938, which appears in the Appendix.]

THE ROOSEVELT ADMINISTRATION'S AGRICULTURAL PROGRAM

[Mr. MINTON asked and obtained leave to have printed in the RECORD a statement regarding the opposition of the Republican Party to the agricultural program of the Roosevelt administration, together with an address by Secretary of Agriculture Henry A. Wallace, on Thursday, May 12, 1938, on the subject The Corn Program and What It Means to Business, which appears in the Appendix.]

AN ERA OF POLITICAL CONFUSION—ADDRESS BY HON. ALFRED M. LANDON

[Mr. CAPPER asked and obtained leave to have printed in the RECORD an address on the subject An Era of Political Confusion, delivered by Hon. Alfred M. Landon at the convention of the New York State Young Republicans at Niagara Falls, N. Y., on May 28, 1938, which appears in the Appendix.]

THE AGRICULTURAL SITUATION—ADDRESS BY EDWARD E. KENNEDY

[Mr. LEE asked and obtained leave to have printed in the RECORD an address delivered by Edward E. Kennedy on the agricultural situation, which appears in the Appendix.]

WAGES OF W. P. A. WORKERS—LETTER AND EDITORIAL FROM UNITED GOVERNMENT EMPLOYEES, INC.

[Mr. LEE asked and obtained leave to have printed in the RECORD a letter from Edgar G. Brown, president, United Government Employees, Inc., together with an accompanying editorial from the Atlanta Daily World, Atlanta, Ga., of June 3, 1938, which appears in the Appendix.]

THE FARM PROBLEM AS RELATED TO BANKING—ADDRESS BY EARL C. SMITH

[Mr. POPE asked and obtained leave to have printed in the RECORD an address on the farm problem as related to banking, delivered by Earl C. Smith, president of the Illinois Agricultural Association, before the forty-eighth annual convention of the Illinois State Bankers' Association of Springfield, Ill., on May 24, 1938, which appears in the Appendix.]

MONETARY SOLUTION TO AGRICULTURAL PRICES—ADDRESS BY LOUIS B. WARD

[Mr. FRAZIER asked and obtained leave to have printed in the RECORD an address on the subject A Monetary Solution to Agricultural Prices, delivered by Louis B. Ward before the National Agricultural Conference at Washington, D. C., on June 2, 1938, which appears in the Appendix.]

ACTIVITIES OF RECONSTRUCTION FINANCE CORPORATION

[Mr. McAdoo asked and obtained leave to have printed in the RECORD a statement concerning the operations of the Reconstruction Finance Corporation from March 4, 1933, through May 19, 1933, which appears in the Appendix.]

LETTER FROM SENATOR MINTON TO AMERICAN CIVIL LIBERTIES UNION RELATIVE TO INSPECTION OF INCOME-TAX RETURNS BY LOBBY COMMITTEE

Mr. MINTON. Mr. President, there has been some criticism of the Lobby Committee for the Executive order which was issued by the President authorizing the Lobby Committee to inspect certain income-tax returns. In the course of this criticism I received a letter from the American Civil Liberties Union. I ask that my reply thereto be printed in the RECORD as part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNE 7, 1938.

Mr. HARRY F. WARD,

*Chairman, American Civil Liberties Union,**31 Union Square West, New York, N. Y.*

DEAR MR. WARD: I have your letter of May 27, in which Messrs. Garfield, Hay, Baldwin, Holmes, and Fraenkel join in the comments on the activities of the Lobby Committee, of which I am chairman.

The burden of your letter appears to be a protest against the "use of information obtained other than by subpoena." However, you note that this committee has met resistance to certain of its subpoenas which, in your judgment, conform to established precedents.

The committee and its work is not engaged in lawsuits. No one's life, liberty, or property is in jeopardy. We are conducting an investigation to enlighten our judgment in matters pertaining to future legislative action. We frequently find in our investigations witnesses who testify falsely, are evasive, and have convenient lapses of memory and deliberately destroy their records.

When confronted with a situation of this kind and the Government has in its possession information by which it may check the activities of such witnesses and parties under investigation, why should not the Government resort to that source of information? We have never used and never have any intention of using any income-tax returns to coerce or intimidate anybody. We use them only to prevent others from imposing upon us.

You know that admissibility is the rule, and nonadmissibility is the exception, and existing law has made available to congressional committees the use of information contained in income-tax returns, which are public records and open to inspection to the congressional committees upon an order of the President. This is a limitation which Congress itself has placed upon its own activities; but when this limitation is overcome in accordance with the statute, I fail to see how anybody's legal or constitutional rights are in any way invaded.

You know that section 257 (a) of the Revenue Act of 1926 specifically provides that income-tax returns shall constitute public records, open to inspection upon an order of the President. I cannot assume that you are not familiar with this well-known provision of the law.

I am in hearty accord with the stated position of your organization to the effect that all citizens have the right to express themselves freely and fully on pending legislation, or to criticize to the utmost any policy or action of any administration. All that we ask is the right to determine from whence the opposition comes, who directs it, and who pays the bill.

You say that you have noted the resistance to this committee's efforts, which includes an effort to enlighten the people on the question of financial angles. I assume that you have also noted that the Reverend John Haynes Holmes, a cosigner to your letter, and Mr. Amos Pinchot, listed on your stationery as a member of your committee, are both listed as members of Frank E. Gannett's National Committee to Uphold Constitutional Government. I am assuming that you are aware of the fact that the only resistance this Senate committee has met recently has been that of the Gannett committee, whose resistance was to subpoena, which you state conforms to the precedents.

Knowing of your very great interest in the protection of our civil liberties, I couldn't help but wonder where you were when the American Newspaper Publishers' Association brazenly proposed to censor free speech over the radio. I never heard a word out of your organization about this attack by the so-called free press upon free speech. I am sure your organization would not be intimidated by the so-called powerful free press of the country or lend yourself to the avowed purpose of the National Committee to Uphold Constitutional Government to discredit the lobby committee.

Yours very truly,

SHERMAN MINTON.

WATER-POLLUTION LEGISLATION

Mr. LONERGAN. Mr. President, on Wednesday, June 8, while I was temporarily absent from the Senate at a meet-

ing of the Senate Finance Committee on a tax measure, the Senate adopted the conference report on the bill, H. R. 2711, to establish a division of water-pollution control in the Public Health Service.

The bill, as it was reported by the conference committee, contains many imperfections; so many, in fact, that the measure can hardly be regarded as more than a start in the way of obtaining desirable legislation on the subject. The measure contains inconsistencies which will make it difficult of administration.

It places broad powers in the Public Health Service without any provision for approval by the Secretary of War and the Chief of Engineers of any plan of pollution control which would affect flood control or navigation.

It lacks a provision to assure full cooperation with authorized representatives of interested industries.

It actually puts a premium on pollution by providing, in section 6, that a person—defined as an individual in the capacity of proprietor of an industrial enterprise, a partnership, a private corporation, an association, a joint-stock company, a trust, or an estate—is eligible for a grant in aid or a loan under the terms of the act, only when such person is discharging untreated or inadequately treated sewerage waste in character and quantity sufficient to be deleterious to the navigable waters of the United States or streams and tributaries thereto. No provision is made for such grants in aid or loans to new industries that may want to install control equipment in the beginning. The plant must first be constructed and the industry must first become a polluter before it is eligible.

The act gives complete authority to the State boards of health and the Public Health Service in Washington, without any recognition of other State agencies duly authorized and duly designated by law to deal with water pollution. The State Water Commission of Connecticut, which has done such remarkably splendid work in this field, and which operates under authority of State law, must, for the present at least, yield to other authority. Other State agencies throughout the country likewise are not recognized under this measure. I will state, however, that the Surgeon General was agreeable to an amendment which I presented to correct this situation, but the House conferees believed it could not be adopted under the rules.

However, the measure as passed by the Senate does include amendments previously adopted by the Senate providing for compacts between the States, and directing that the navigable waters of the United States be divided into watershed areas so that pollution abatement can be conducted by States in a cooperative way.

Of course, the main defect in the bill, in my opinion, is the absence of a Federal-control provision. More millions of dollars will be offered by the Federal Government for grants-in-aid and loans, without any provision for Federal enforcement, or Federal control, except of an administrative nature. For many years Congress has asserted a much broader authority over flood control. Flood control and water-pollution control are twins. In this time of heavy Federal spending there will be serious criticism in some quarters to the spending of this money without a greater measure of control by the Federal Government.

The omission by the conferees of any enforcement provision, of course, took the heart out of the bill, so much so that even its most ardent supporters questioned whether the conference report should be rejected. For more than 4 years various organizations have fought for the principle of Federal enforcement because they have learned from experience that it is futile to ask a polluter in one State to clean up his waters when a polluter in the neighboring State above continues to dump his pollutants into the stream. As this bill now stands, an industry in Connecticut may obligate itself for a loan from the Federal Government, and the Government may offer it a grant, to assist in abating pollution by that industry. A neighboring industry may not be interested in voluntarily obtaining such loans and grants

as provided in this measure. There are many such polluters who simply do not want to be bothered. They continue to regard waterways as open sewers.

What will be the attitude of the cooperating polluter when he learns that he has obligated himself for a Federal loan to install pollution-abatement equipment only to find that his efforts are nullified by pollution from the polluter upstream, who fails to cooperate? What will be the attitude of the taxpayers when they learn that Federal grants have been made with such futile results? Will they believe that they have been misled, and will they lose all of the great enthusiasm that has been built up for many years in this effort?

I want to make it clear here that the organizations supporting the principles of Federal assistance have been health organizations, as well as sportsmen's organizations and conservation organizations. I have previously placed in the *Record* (August 21, 1937) a complete statement on this enforcement principle and the organizations and individuals supporting it.

I want to state also that the Senate concurred with me and with these individuals in our views regarding enforcement and amended the House bill as I had suggested. The House disagreed to the enforcement provisions. The House conferees took the view that, because of objections from manufacturers and others, they could not get the measure through the House with enforcement provisions. They explained that they had difficulty getting the original bill through the House without the enforcement provision and were certain that they could not get it through the House with the enforcement provision. They expressed doubt as to whether they will be able to get the bill through at all, either with or without enforcement provisions, because of general misunderstanding on the part of many manufacturers regarding the effect of the measure. Several meetings were held by the conferees without an agreement.

Coming as I do from a manufacturing State, and having no desire to place any enforcement provision in this measure that would be injurious or unfair, I offered at least three modifications of the proposal. Other substitutes were offered by Dr. Parran, the Surgeon General, after consultation with the President, and there seemed to be thorough agreement all along the line, even among some of the House conferees, that an enforcement provision was desirable. However, upon continued insistence of House conferees that they could not make the House Members feel the same way about it, the question was whether the bill should be killed in conference or held over until the next session. This naturally brought up the question whether the conferees had better accept an imperfect bill than to have no bill at all, and it was with that thought in view, rather than a thought of throwing the enforcement provision overboard, that the Senate conferees finally yielded to the House conferees. Four of the Senate conferees, supporting the House conferees, did so because they honestly felt that it was better to get a start and then perfect the bill later.

Since the action by the Senate yesterday in agreeing to the conference report, I have been approached by many who believe that the bill is a delusion, and that it should be defeated. Although I could move to recall the measure, I will not do so, owing to the fact that all five House conferees were represented at the final conference and four of the Senate conferees were present in person when the report was adopted, and voted affirmatively. Also, before the report was presented, I talked with a number of Senators who believed that it would be futile at this late date to attempt to get the Senate to instruct its conferees to incorporate a Federal enforcement provision.

I am informed that some opposition to acceptance of the conference report will develop in the House. But whatever the outcome, I want to serve notice that in the next Congress I shall renew my efforts to have this bill perfected, and to have an enforcement provision adopted. A great principle, for which many individuals have sacrificed their time

and energy for many years, has been temporarily deferred as a matter of expediency. No compromise has been made with the principle of Federal enforcement. I shall never agree to a compromise with a principle that I think is right. A right cannot be compromised with a wrong. And, as indicated by Wednesday's *Record* when the conference report was agreed to, in my absence, I am assured of the continued support of able Senators in having desirable amendments adopted.

The citizens of the State of Pennsylvania fought for more than 15 years for the principle of enforcement to prevent water pollution, and finally prevailed, last year, when a State control measure was adopted, which contained enforcement provisions. Whether the battle for Federal control and enforcement goes on for another year or 10 years before its friends are successful, in the end it will prevail, as right always prevails.

I wish to say, finally, that those who oppose the principle of Federal enforcement to a large extent represent vested interests or industries having unwarranted fears that they will be hurt. A great effort has been made to show them that there is no harm intended in the bill, but at this stage it seems that the few who regard our national waterways as open sewers and who do not want to be bothered by any Federal enforcement were able to make others fearful enough to oppose the principle of enforcement. This has called for a great campaign of education which, unfortunately, has not yet reached all of the objectors. Many of those who originally opposed the principle of enforcement have become its most ardent supporters, after finding that pollution control is actually an asset to their industry instead of a liability, because of the production of useful byproducts. Many others have yielded to reasoning and have agreed that adequate safeguards were offered to protect them against harmful Federal enforcement. But the handful of recalcitrants—which, I should say represent about 10 percent of legitimate industry—are the ones who have had sufficient power and money to forestall enforcement thus far. I was surprised to note how many of them actually got on the bandwagon to support a measure which would offer them loans and grants from the Federal Treasury, provided there was no Federal control or enforcement.

On the other side of the picture is that group of men who, like myself, have been fighting for a principle at personal expense to themselves, and at a great loss of time. Among these is Judge Grover C. Ladner, of Philadelphia, former deputy attorney general of that State; Dr. M. d'Arcy Magee, national vice president of the Izaak Walton League of America; Mr. Kenneth Reid, general manager, Izaak Walton League of America, and scores of officials and experts who have attended the various conferences in Washington and elsewhere to advance the Federal water pollution control legislation, with measures of enforcement. All of their time and contributions have been greatly appreciated and will not be futile. The public mind has been aroused by the urgent need for an effective water pollution control measure. Many Members of the House and some Members of the Senate have actually come to me with recommendations that a bill be introduced to provide for criminal punishment and fines for polluters who defile our Nation's waterways and endanger the public health. I have never agreed to go that far. I have felt that Federal enforcement to take care of the small handful of recalcitrant violators with adequate safeguards for the vast majority who want to cooperate would be sufficient. But I am not so sure what will happen if a few epidemics occur in this country. In the Ohio Valley and elsewhere the pollution load is so tremendously heavy that health authorities are obviously fearing what will happen. That is another reason why I hesitated to object to this conference report, despite its imperfect state. A few dollars of the Federal money, at least, will seep through to serve a useful purpose, and if a few lives are saved and a start is made, however inadequate it may be, the end may justify the means and form in which this measure was passed.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

INTERNATIONAL LABOR ORGANIZATION

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, as follows:

To the Congress of the United States of America:

The Congress, by a joint resolution approved June 19, 1934, authorized me to accept membership for the Government of the United States in the International Labor Organization. Pursuant to that authorization I accepted such membership on behalf of the Government of the United States.

Representatives of this Government and of American employers and American labor attended the twenty-third session of the International Labor Conference held at Geneva, June 3 to 23, 1937.

That conference adopted four draft conventions and seven recommendations, to wit:

The recommendation (No. 50) concerning international cooperation in respect of public works.

The recommendation (No. 51) concerning the national planning of public works.

The draft convention (No. 59) fixing the minimum age for admission of children to industrial employment (revised 1927).

The draft convention (No. 60) concerning the age for admission of children to nonindustrial employment (revised 1937).

The recommendation (No. 52) concerning the minimum age for admission of children to employment in family undertakings.

The draft convention (No. 61) concerning the reduction of hours of work in the textile industry.

The draft convention (No. 62) concerning safety provisions in the building industry.

The recommendation (No. 53) concerning safety provisions in the building industry.

The recommendation (No. 54) concerning inspection in the building industry.

The recommendation (No. 55) concerning cooperation in accident prevention in the building industry.

The recommendation (No. 56) concerning vocational education for the building industry.

No action by the Congress appears necessary in connection with the recommendation (No. 50) concerning international cooperation in respect of public works. The United States Government already has indicated its readiness to cooperate in the work of an international committee and a representative of the Government will be appointed to attend its first sitting. The various branches of the Government will be prepared to communicate annually to such a committee statistical and other information concerning public works already undertaken or planned.

The United States Government has already endorsed the principle of stabilizing public works, contained in the recommendation (No. 51) concerning the national planning of public works, and is endeavoring to put that principle into practice. The terms of the recommendation embrace many proposals which the United States is already applying.

The standards stipulated in the draft convention (No. 59) fixing the minimum age for admission of children to industrial employment (revised 1937), the draft convention (No. 60) concerning the age for admission of children to nonindustrial employment, and the recommendation (No. 52) concerning the minimum age for admission of children to industrial employment in family undertakings are considerably below those generally prevailing in the United States.

The draft convention (No. 61) concerning the reduction of hours of work in the textile industry is the subject of a separate message which I am addressing to the Senate.

The principles set forth in the draft convention (No. 62) concerning safety provisions in the building industry, the recommendation (No. 53) concerning safety provisions in the building industry, the recommendation (No. 54) concerning inspection in the building industry, the recommendation (No. 55) concerning cooperation in accident prevention in the building industry, and the recommendation (No. 56) concerning vocational education for the building industry are presented for the consideration of the Congress in connection with its consideration of legislation now before it designed to promote safety in the building industry.

In becoming a member of the International Labor Organization and subscribing to its constitution this Government accepted the following undertaking in regard to such draft conventions and recommendations:

Each of the members undertakes that it will, within the period of one year at most from the closing of the session of the conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than 18 months from the closing of the session of the conference bring the recommendation or draft convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action (art. 19 (405), par. 5, Constitution of the International Labor Organization).

In the case of a Federal State, the power of which to enter into conventions on labor matters is subject to limitations, it shall be in the discretion of that Government to treat a draft convention to which such limitations apply as a recommendation only, and the provisions of this article with respect to recommendations shall apply in such case (art. 19 (405), par. 9, Constitution of the International Labor Organization).

In accordance with the foregoing undertaking the above-named four draft conventions and seven recommendations are herewith submitted to the Congress with the accompanying report of the Secretary of State, and its enclosures, to which the attention of the Congress is invited.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, June 9, 1938.

[Enclosures:

1. Report of the Secretary of State.
2. Authentic texts of the four draft conventions and seven recommendations adopted by the International Labor Conference at its twenty-third session.
3. Report of the Secretary of Labor.
4. Report of the Secretary of the Treasury.
5. Report of the Federal Emergency Administrator of Public Works.]

TEMPORARY NATIONAL ECONOMIC COMMITTEE

The Senate resumed the consideration of the joint resolution (S. J. Res. 300) to create a temporary national economic committee.

Mr. BARKLEY. Mr. President, when the Senate recessed yesterday afternoon we were about to vote on the committee amendment to Senate Joint Resolution 300, providing for the appointment of a special committee, and so on, to investigate monopolies. The amendment is on page 7 and affects the authority of the President in the allocation of the \$400,000 authorized to be appropriated. I have no desire to consume any further time of the Senate on the subject. I think the matter has been thoroughly debated. We were about to vote when the Senate concluded its business yesterday. I therefore hope we may now vote on the amendment, and I trust it will be defeated.

Mr. NORRIS. Mr. President, we have not voted on the other section, have we?

Mr. BARKLEY. Yes; we have voted on that.

Mr. NORRIS. That was voted out?

Mr. BARKLEY. This is a different amendment. We voted out paragraph (c), section 3, and then adopted the amendment as amended.

Mr. NORRIS. Yes; I recall we did that yesterday.

Mr. BARKLEY. The pending amendment is the \$400,000 allocation.

Mr. NORRIS. I think the only issue involved—as the Senator says, it has been well discussed—is whether or not the committee amendment shall be agreed to.

Mr. BARKLEY. That is correct.

Mr. NORRIS. If we vote for the committee amendment, then the President, in order to get any money for the departments, must get it after it has been applied for by the committee. If the committee amendment is voted down, then the part of the appropriation going to the President will go to him direct without any action on the part of the committee.

Mr. BARKLEY. That is correct.

Mr. NORRIS. So we understand it. On that amendment, Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on the committee amendment on page 7, line 10, which will be stated.

The CHIEF CLERK. On page 7, line 10, it is proposed to insert "on application by the committee for allocation."

The VICE PRESIDENT. On the amendment the yeas and nays are demanded.

The yeas and nays were ordered.

Mr. DAVIS. I ask to have the pending amendment stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 7, at the beginning of line 10, it is proposed to insert "on application by the committee for allocation."

The VICE PRESIDENT. The yeas and nays having been ordered, the clerk will call the roll.

The Chief Clerk called the roll.

Mr. LEWIS. I announce that on this question the Senator from Oklahoma [Mr. THOMAS] is paired with the Senator from Maryland [Mr. TYDINGS]. If these Senators were present and voting, the Senator from Maryland would vote "yea," and the Senator from Oklahoma would vote "nay."

Mr. BARKLEY. The Senator from Maryland [Mr. RADCLIFFE] is detained from the Senate on important public business. I am advised that if present and voting he would vote "nay."

Mr. McNARY (after having voted in the affirmative). I transfer my pair with the Senator from Mississippi [Mr. HARRISON] to the Senator from Maine [Mr. WHITE], and will let my vote stand.

Mr. AUSTIN. I have been requested to announce the following general pairs:

The Senator from New Hampshire [Mr. BRIDGES] with the Senator from North Carolina [Mr. REYNOLDS]; and

The Senator from North Dakota [Mr. NYE] with the Senator from Ohio [Mr. BULKLEY].

Mr. LEWIS. I further announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Ohio [Mr. BULKLEY], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Missouri [Mr. CLARK], the Senator from Iowa [Mr. GILLETTE], the Senator from Connecticut [Mr. MALONEY], the Senator from Nevada [Mr. McCARRAN], the Senator from New Jersey [Mr. SMATHERS], the Senator from Oklahoma [Mr. THOMAS], the Senator from Maryland [Mr. TYDINGS], and the Senator from New York [Mr. WAGNER] are detained from the Senate on important public business.

The Senator from West Virginia [Mr. HOLT] and the Senator from North Carolina [Mr. REYNOLDS] are unavoidably detained.

I further announce that the Senator from Ohio [Mr. DONAHEY] and the Senator from New Hampshire [Mr. BROWN] are detained in a meeting of the Tennessee Valley Authority Investigating Committee.

The Senator from Arizona [Mr. ASHURST], the Senator from Washington [Mr. BONE], the Senator from Michigan [Mr. BROWN], the Senator from Georgia [Mr. GEORGE], and the Senator from Mississippi [Mr. HARRISON] are detained in committee meetings.

The Senator from Louisiana [Mr. ELLENDER], the Senator from Florida [Mr. PEPPER], the Senator from Utah [Mr.

THOMAS], and the Senator from Massachusetts [Mr. WALSH] are detained in a conference on the wage and hour bill.

The result was announced—yeas 28, nays 40, as follows:

YEAS—28

Andrews	Copeland	Hatch	O'Mahoney
Austin	Davis	Johnson, Calif.	Pittman
Borah	Frazier	King	Shipstead
Burke	Gerry	Lodge	Smith
Byrd	Gibson	Long	Townsend
Byrnes	Glass	McNary	Vandenberg
Capper	Hale	Miller	Van Nuys

NAYS—40

Adams	Green	Lewis	Norris
Bankhead	Guffey	Logan	Overton
Barkley	Hayden	Lundeen	Pope
Berry	Herring	McAdoo	Reames
Bilbo	Hill	McGill	Russell
Bulow	Hitchcock	McKellar	Schwartz
Caraway	Hughes	Milton	Schwellenbach
Connally	Johnson, Colo.	Minton	Sheppard
Dieterich	La Follette	Murray	Truman
Duffy	Lee	Neely	Wheeler

NOT VOTING—28

Ashurst	Chavez	Holt	Smathers
Bailey	Clark	McCarran	Thomas, Okla.
Bone	Donahay	Maloney	Thomas, Utah
Bridges	Ellender	Nye	Tydings
Brown, Mich.	George	Pepper	Wagner
Brown, N. H.	Gillette	Radcliffe	Walsh
Bulkeley	Harrison	Reynolds	White

So the amendment of the committee was rejected.

The PRESIDENT pro tempore. The committee amendments following the one last voted on will be stated.

The CHIEF CLERK. On page 7, line 10, before the words "the President", it is proposed to strike out "as" and insert "by."

The amendment was rejected.

The CHIEF CLERK. On page 7, line 11, after the word "President", it is proposed to strike out "shall direct."

The amendment was rejected.

The CHIEF CLERK. On page 7, line 11, after the word "agencies", it is proposed to strike out "represented on the committee" and insert "of the Government."

The amendment was rejected.

Mr. O'MAHONEY. Mr. President, I ask that the Senate now recur to the committee amendment on page 2, line 2, which was passed over at the request of the Senator from Kentucky [Mr. BARKLEY].

The PRESIDENT pro tempore. The amendment passed over will be stated.

The CHIEF CLERK. On page 2, line 2, after the word "Treasury", it is proposed to strike out "Department of Labor" and insert "Department of Commerce."

Mr. BARKLEY. Mr. President, that amendment went over at my request. I have nothing further to say about it. So far as I am concerned the Senate may vote on the amendment.

Mr. NORRIS. Mr. President, the effect of the pending amendment is to strike out the "Department of Labor" and to insert in lieu thereof the "Department of Commerce."

It seems to me that the Department of Labor by all means ought to be included. I have no objection to including the Department of Commerce. If the amendment were defeated, it would be in order to offer an amendment including the Department of Commerce, to which, so far as I am concerned, I would have no objection whatever. But the effect of agreeing to the committee amendment would be to strike out the Department of Labor.

Mr. President, it seems to me that all Senators should realize that on the particular question which the committee is to investigate the Department of Labor is as important as any other department of the Government, unless it be the Department of Justice, which I concede would be more important in this matter. But we are going to investigate something in which the Department of Labor has an active interest.

I cannot understand why anyone should desire to strike out the Department of Labor. In the debate which occurred yesterday the only reference to striking the Department of

Labor out was by the Senator from Wyoming [Mr. O'MAHONEY], who said that as the joint resolution was originally drawn the Department of Commerce was left out, but that Department, backed up by an unnamed committee of businessmen, was anxious to be included, and in order to do it the committee struck out the Department of Labor.

It seems to me it would be proper to include both Departments. The effect, of course, would be to increase the membership on the committee by one. I can see no possible harm to come from that, although personally I am opposed to a very large committee. But there would be 11 in one case and 12 in the other. The difference between 11 and 12 is practically of no consequence. But those who favor putting in the Department of Commerce, and who want to take out the Department of Labor in order to accomplish that, base their argument entirely, as I understand, on the ground that if the number were left at 12 there would be 6 Members of Congress and 6 members from the various departments, making a tie as between those two groups.

Mr. President, I submit that there is practically no danger of such a tie taking place. There is no more danger of the representatives of the departments lining up on one side and the representatives of Congress on the other than there is of having Members of the House line up on one side and Members of the Senate on the other, which in my opinion will never occur on this committee. The members of the committee will all be anxious to make the investigation. Very important contributions to the investigation will come from the Department of Labor. I do not believe any contribution, with one possible exception, will be of greater importance than that which will come from the Department of Labor. There is no idea anywhere that the departments are going to line up on one side of the line and Congress on the other. If there is such a possibility, then we never ought to have this double-headed committee. If there is such danger, one or the other group ought to be stricken out entirely. There is no indication, so far as I can see, that there will be any possibility of such a thing occurring.

Suppose such a thing should occur; what about it? Who would be hurt? Suppose there were a tie vote in this committee; that would not be vital; it would not kill anybody; it would not be detrimental to the investigation; it would not be harmful. If there should be a tie vote as compared with a 5 to 6 vote, there would be practically no difference in effect. That would probably never occur, but if it did, it would not do any harm.

Mr. POPE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. NORRIS. I yield.

Mr. POPE. I call the attention of the Senator to the fact that in the statement of the purposes and duties of the committee one is to make an investigation of "the effect of the existing price system and the price policies of industry upon the general level of trade, upon employment, upon long-term profits, and upon consumption." It seems to me the facilities of the Department of Labor for studying unemployment and the effect of Government policies on unemployment would make the Department of Labor of peculiar value in the investigation.

Mr. NORRIS. It would be of greater value than any other department. It is true the information could be obtained if all the departments were left out, but if this joint resolution is to be passed on the theory that the departments which have to do with this question most vitally should be represented on the committee, we cannot leave out the Department of Labor. No one has asked to leave it off the committee. So far as I know, no one contends that it should be left off. But some Senators are afraid of a tie vote occurring in the proceedings of the committee. As I have said, that probably would never occur, but it would not do any harm if it should occur. There is likely to be an absentee among the membership of the committee when a vote is taken, and a tie vote would occur anyway. I do not think that will happen, but it will not do any harm if it

shall happen. Members of the Senate are not always lined up so that a tie vote may not occur. It is probably just as likely to occur without the Department of Labor being represented as if the Department of Labor were represented.

Undoubtedly it will be found that on some questions there will be an honest disagreement among the members of the committee from the Senate; there may be an honest disagreement among the members of the committee from the House; there may be an honest disagreement among the members of the committee from the departments. We have to expect that. In an honest investigation, no one can object to such a condition. It is likely to occur in the case of any committee. It is likely to occur any day in the Senate, or in the House of Representatives, or in any committee of the House or of the Senate. It is not harmful; it is not detrimental. But if there are to be included on the proposed committee representatives from different departments, the one which is probably as important as any department of the Government in respect to this investigation should not be omitted.

Mr. President, the Department of Labor has statistics, as the Senator from Idaho has said, on the unemployment situation and on other situations which are extremely valuable. They had to do a great deal of work in order to get those statistics. On tables furnished by that Department, Congress bases fundamental legislation.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. WHEELER. I think we are setting a very foolish precedent in having the different departments included at all. I think the investigation should be made either by the Senate or by the departments, and we should not have a joint committee. But if we are to have the departments represented and take part in the investigation, then certainly the Department of Labor should be included. I think it is a very unwise policy to have such a joint investigation, and I think we are setting a precedent so that in the future when an investigation is started by the Congress in order to decide what legislation it should pass and what it should not pass, the departments are going to want to be a part of the investigation. In my judgment, that would hurt any investigation. But if we are to include the departments, certainly the Department of Labor should be included.

Mr. NORRIS. I agree with every word the Senator has said. I made the same statement yesterday, in effect. I think it was a mistake to provide for this kind of a committee. There is no reason why we should not have a committee of investigation, as I stated yesterday, composed only of Senators. There is no reason why the House of Representatives should not have its own committee of investigation. If it is thought advisable to join the two, although I think that is a mistake, all well and good. But if we do join the two, I think it is still another mistake to include on the committee outsiders, representatives of departments.

In my opinion, we ought to appropriate money directly to be used by the departments, to be handled as the President may see fit, and appropriate money to a departmental committee, if we decide that such a committee should undertake an investigation. There is no reason why the investigation should not be made in both ways. I believe, as does the Senator from Montana, that it is wrong to join the two methods. But that is water over the mill, and since we are to have the investigation, then we should not exclude from the departments taking part the most important department of all when it comes to this particular line of investigation.

Mr. O'MAHONEY. Mr. President, it would be difficult for me to make any argument against that of the Senator from Nebraska with respect to the Department of Labor and with regard to the importance of that Department in an investigation or study of the kind proposed. The Senator will recall that this resolution as I originally introduced it gave this Department representation on the proposed committee. My original measure named the three agencies mentioned by the President in his message—Justice, Securi-

ties and Exchange Commission, and the Federal Trade Commission. The revision which I introduced here, and which Representative SUMNERS introduced in the House, added the Treasury Department and the Department of Labor. The Judiciary Committee substituted Commerce for Labor so as not to make the new body unduly large.

It was the view of the Committee on the Judiciary that if we are to have this most important study it should not be conducted by a convention; it ought to be conducted by a small body which, by reason of its size, can work efficiently.

The reason why the Department of Commerce was given a place was because it was recognized by the committee members that the Department of Commerce had been making a serious and sincere effort to bring about a better understanding between business and government.

Mr. President, we might as well be frank about this discussion. The air in Washington is full of rumors and reports of what the Government is planning to undertake. Those rumors I hear are without basis. Any person who has read the President's message knows that it is his object to have a factual, scientific study of this, the most important problem before the people of America.

PROTECTION OF PRIVATE ENTERPRISE

Let me call the attention of the Senator to one or two of the concluding paragraphs of the President's memorable message of April 29. After outlining the sort of an investigation which should be made, and the subjects which he thought ought to be covered, the President said:

No man of good faith will misinterpret these proposals. They derive from the oldest American traditions. Concentration of economic power in the few and the resulting unemployment of labor and capital are inescapable problems for a modern "private enterprise" democracy. I do not believe that we are so lacking in stability that we will lose faith in our own way of living just because we seek to find out how to make that way of living work more effectively.

The propaganda has gone forth from Washington that the purpose of the Senator from Idaho [Mr. BORAH] and my own purpose in introducing the licensing bill was to throttle private enterprise. The propaganda goes forth that the purpose of the President and the purpose of the executive departments is to overthrow private enterprise. It seemed to me, and I think it seemed to the other members of the Committee on the Judiciary, that it was of the utmost importance in such a situation for us to make at least this gesture toward business and put the Department of Commerce in the joint resolution.

The Department of Labor was left out, not to deprive labor of a part in the investigation, but because it was felt that all the facilities of that Department would be available anyway.

On page 5, beginning in line 13, is found this specific statement:

The committee is authorized to utilize the services, information, facilities, and personnel of the Departments and agencies of the Government.

The new committee will use the Department of Labor. It will use its personnel, it will use its statistics, it will use all of its facilities.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. SHIPSTEAD. If that is true, why name any Department?

Mr. O'MAHONEY. Because we are setting up a joint committee composed of Members of Congress and the heads of five executive branches, three of them Departments and two of them Federal agencies, with the thought of obtaining the coordinated work of both the legislative and executive branches of the Government. There is not a more important question before the people of America than that which is dealt with by the joint resolution. The procedure is not a new one. The Senator from Montana [Mr. WHEELER] indicated that belief a moment ago. We have had this procedure before, notably in the case of the Monetary Commission and the Industrial Commission.

Mr. SHIPSTEAD. I have no objection, but if the Senator will permit me, I want to say that if there is monopoly, as I think there is, no one suffers from it more than the farmer and the laborer.

Mr. O'MAHONEY. The Senator is quite right.

Mr. SHIPSTEAD. Therefore, if any Departments should be involved in the investigation and should be represented, they are the Department of Agriculture and the Department of Labor.

Mr. O'MAHONEY. We will use the facilities of all the Departments.

Mr. President, I hope the committee amendment will be agreed to.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. NORRIS. Would it not be just as reasonable to use the same argument that the Senator has now used against placing the Department of Commerce in the joint resolution because the facilities and personnel of that Department can be used?

Mr. O'MAHONEY. It would be, of course.

Mr. NORRIS. Then what is the difference between the two Departments? Why did the committee provide that the Department of Labor should be stricken out and that the Department of Commerce should be placed in the joint resolution?

Mr. O'MAHONEY. There is no difference between the Departments except that they have different functions. It was the judgment of the committee that as between the two, however, representation on the joint committee should be accorded to the Department dealing with business.

Mr. NORRIS. The Senator believes, after all, does he not, that the real reason for making this change is to prevent setting up a committee of 12 instead of a committee of 11?

Mr. O'MAHONEY. Of course.

Mr. NORRIS. The Senator said—and I agree with him—that it is not desirable to have a whole legislature on the committee, that it would become almost a mob, and function as the Senate does, perhaps, once in a while, because there are too many Members. Then, in the Senator's mind, the dividing line between a mob and a committee is the difference between 11 and 12, is it?

Mr. O'MAHONEY. Of course, the Senator is one of the most skillful debaters who ever trod the floor of this Chamber, and I should be very loath to engage with him in any controversy, but, if I may say so, I think he is just quibbling a little bit upon that issue.

I hope the amendment of the committee will be adopted.

Mr. HATCH. Mr. President, when the previous committee amendment was submitted to a yea-and-nay vote, before the vote was commenced I sought to obtain recognition from the Chair. I wanted to explain my position on that amendment, and the explanation I would have made then applies to the pending amendment as well. It is simply this: Those of us who served on the Committee on the Judiciary had several matters to contend with in our efforts to have the joint resolution favorably reported to the Senate. I believe if we had not entered into certain compromises—represented by the amendment which was rejected and the pending amendment—we might not have before us any joint resolution to be considered at this time. Having given some thought to arranging this compromise and to having the joint resolution reported to the Senate, I felt as a member of the committee that it was my duty and obligation to support the committee's recommendations. For that reason I voted as I did on the preceding amendment.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. NORRIS. I fully understand the Senator's statement that he feels bound to support the committee amendment because it was agreed upon in the committee.

Mr. HATCH. And because I myself took part in bringing about a favorable report by the committee of the joint resolution.

Mr. NORRIS. I was on the committee, and was present during the discussion, but I do not feel the way the Senator feels with respect to the matter. I do not feel that I am taking a dishonorable course when I oppose the action of the committee. I do not care to bring that point into the discussion. I want to ask the Senator if his argument does not come down to this, that he thinks the amendment should be defeated, but he is going to support it because he had part in having certain compromise amendments placed in the joint resolution?

Mr. HATCH. Mr. President, as the Senator from Nebraska was propounding his question, I could not help but recall what the Senator from Wyoming just said concerning the skillfulness in debate of the Senator from Nebraska. His question would put me in a position which is not my position. I merely rose to say what I have said about the action taken in the committee, and my action on the floor. I may also say that the position of the Senator from Nebraska on the floor of the Senate is absolutely consistent with his position in the committee, as I recall it. Certainly nothing I say may be construed as a charge or insinuation of any dishonorable conduct on the part of any Senators who have made up their minds with respect to the pending matter. What I say applies to myself alone. But I feel that the committee amendment now under discussion should receive my support, and I shall vote for it.

Mr. KING. Mr. President, for a number of years there have been requests made of the legislative branch of the Government for a comprehensive study of the question of trusts and monopolies, and I share the view now that such a study should be made. I believe that such study should be made by the Committees on the Judiciary of the House and Senate, or by a special committee authorized by Congress and empowered to enter upon this important task. I repeat that the task is a legislative one and that only by legislation may such evils as are found to exist by reason of monopolistic control of any part of our industrial and economic life be corrected. Unfortunately there has been a tendency upon the part of the executive branch of the Government to enter upon fields which belong exclusively, under our form of government, to the legislative branch of the Government, and undoubtedly efforts have been made to subordinate the legislative branch of the Government to executive agencies, departments, bureaus, and other instrumentalities.

That efforts have been made from time to time to increase the power of the executive department must be admitted by all. Certainly efforts have been made to have executive agencies take over functions which belong to the Congress. I might add that that view is regnant in many parts of the world today, and legislatures are being reduced to mere shadowy forms. In most of the countries of the world today a disposition is manifested to strengthen the hands of the central government, to build up powerful and almost unlimited executive authority, and to place in the hands of one person, or a limited number, dictatorial authority. Certainly this is true in Germany, Russia, Italy, and in China, and in other countries with which Senators are familiar. I believe that a candid study of the present and of the future, by those familiar with world conditions today, will support the view that legislative branches of government are being weakened, if not destroyed, and the executive branches are assuming almost unlimited authority. Under a democratic form of government such a situation is intolerable. Certainly in this Republic which, as we contend, presents a constitutional form of government, so long as the letter and the spirit of the Constitution are observed, the enumerated powers in the Constitution must be respected, and the authority of the legislative branch of the Government must not be interfered with or in the slightest degree impinged upon.

If the balance of power is disturbed, then our form of government will be jeopardized. The executive department has certain functions; the judicial department of the Government has definite and prescribed authority; and the legis-

lative department of the Government has conferred upon it duties and responsibilities and authority of which it cannot be deprived if, to repeat, our Government and democratic institutions are to be preserved. Undoubtedly there are some who are determined to weaken the judicial department and to strip the legislative branch of the Government of authority and power which it possesses and which it must possess if the liberties of the American people are to be preserved.

It is regrettable that some agencies of the Government, bureaus and executive organizations are greedy for power and seek to intrude into fields which are denied them under the Constitution. Frequently criticisms are made by Senators and by persons in private life of the arrogance of executive agencies, of bureaus, and petty representatives of executive departments. There seems to be a growing feeling that the Government is in their hands and that the legislative department exists only to vote appropriations at their behest and demand.

With reference to the question of monopolies, I have believed for a number of years that the Sherman antitrust law, the Clayton Act, and other provisions aimed against monopolies and trusts should be strengthened. If the Senate will pardon a personal allusion, may I say that I have introduced in the Senate during the past 10 or 15 years measures calling for an investigation of the operation of the antitrust laws with a view to determining what amendments should be made in order to strengthen them and make them more effective. Undoubtedly there have been monopolistic activities harmful to legitimate business and injurious to many of our people. In nearly every branch of trade, industry, and commerce there are evidences of efforts to build up monopolies and to control production and the channels of trade and commerce.

In 1924 I was a member of the platform and resolutions committee of the Democratic Party in its national convention at New York. I drew the plank which is found in the Democratic platform of that year in which monopolies were denounced and the Democratic Party pledged to make such laws as were necessary to strengthen the antitrust laws in order to protect the competitive system and to prevent monopolistic control of our industrial and economic life. As stated, upon various occasions since I have offered resolutions in the Senate calling for the appointment of committees to investigate our economic situation and to formulate measures to strengthen the antitrust laws now upon the statute books. Unfortunately, I have found but little support for the resolutions which I have offered.

I think the wise course to pursue—and that seemed to be the thesis of my friend from Nebraska [Mr. NORRIS] yesterday—is for the Congress of the United States, the legislative branch of the Government, which is charged with the duty and responsibility of enacting laws to control monopolies, to take charge of a committee, or an organization, or an investigation of monopolies, with a view to making a thorough study and recommending legislation dealing with monopolistic practices.

I do not think the executive department is charged with the duty of legislation. It may make recommendations for legislation, but the duty to legislate rests upon the Congress of the United States. The President may make recommendations pursuant to his duty under the Constitution of the United States; but the executive departments of the Government do not constitute the legislative branch of the Government. Congress should make a study of monopolies and trusts. That duty rests upon the Congress and not upon the executive department. I am opposed to the theory that all legislation must originate with the executive department, the subbureaus, agencies, and instrumentalities which owe their existence to laws passed by the Congress.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. HATCH. I believe in the separation of the different Departments of the Government, and that each Department should perform its separate constitutional function.

Mr. KING. I am glad the Senator makes that statement, because so many Democrats no longer believe in that theory.

Mr. HATCH. The Senator has referred to the duty of the executive branch of the Government to send messages to the Congress recommending legislation. What harm is there in the executive branch of the Government conducting an investigation of monopolistic practices in order that the executive department may perform its constitutional function and obtain necessary information to make recommendations to the Congress?

Mr. KING. Mr. President, the Senator from New Mexico will soon be in the same category as the able Senator from Nebraska [Mr. NORRIS], who is so skillful, so adroit, and so subtle.

Mr. HATCH. The Senator pays me a very high compliment.

Mr. KING. The Senator from New Mexico is entitled to many compliments; more, perhaps, than I have paid him in the past but not as many as I should like to pay him.

It is the prerogative of the President to make recommendations to the Congress for legislation. However, an investigation is proposed by the pending measure. I think the Congress of the United States, the legislative branch of the Government, should make the investigation.

Mr. HATCH. If the Senator will yield once more, I promise not to interrupt him again.

Mr. KING. Certainly.

Mr. HATCH. The thought which I had throughout the hearings is that the different Departments of the Government are separate, but I see no reason why they should not cooperate and work together at times. Certainly the doctrine of separability of power does not include the doctrine of antagonism.

Mr. KING. I agree with the Senator; but the point I am trying to emphasize is that the responsibility rests upon Congress to make such investigations as it may deem proper to enable it to legislate. I feel that it might be a mistake to yoke the executive departments and the Congress together in the investigation to which reference has been made. However, that course has been agreed upon, and I shall not cover the ground which has been discussed. However, in view of the fact that the investigation is to be made by two Departments, I think that the legislative branch of the Government should be in control in making the investigation.

There is much to be said in support of the position taken by my friend from Nebraska [Mr. NORRIS]. Personally, I do not care whether it is the Department of Labor or the Department of Commerce which is to be included. I am opposed to giving control of the membership of the committee to the executive department. I think the legislative branch, the Senate and the House, should have control of the membership. However, as between the two Departments which have been mentioned, I have very little choice, although it seems to me there is much to be said in support of the view that the Department of Commerce is perhaps in a position to furnish us more information respecting trade and commerce, domestic and foreign, than is the Department of Labor. Therefore, I shall vote to sustain the committee.

Mr. LA FOLLETTE. Mr. President, since I am not a member of the Judiciary Committee, I have not participated in framing the joint resolution. Therefore I shall not waste any of the time of the Senate in debating the advisability of the proposal which has been recommended for a joint committee made up of Members of the Senate and House of Representatives of the executive departments, since that policy has already been determined. I understand there is no effort to alter the character and composition of the committee.

However, since this method of procedure is to be followed, and since this type of organization is to be set up to make the investigation, it seems to me that it would be a great mistake for the Senate to strike out, as is recommended by the committee, the Department of Labor, and substitute therefor the Department of Commerce. The Senator from Wyoming [Mr. O'MAHONEY] acknowledged that no other group in the country is more interested in the question of

monopoly, and no other group feels the impact of monopoly more, than the wage earners of the United States; and yet it is proposed by the committee itself to strike out the Department which represents—

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. O'MAHONEY. There is a great difference between saying that the wage earners are to be represented and saying that a representative of the Department of Labor should be on the committee.

Mr. LA FOLLETTE. If the Senator had permitted me to finish my sentence he would not have interrupted me. The Department of Labor was set up to represent the interests and the point of view of labor, and the wage earners of the United States. The only representation of labor's point of view which labor will have will be through the Department of Labor if the committee amendment is rejected.

Mr. President, I do not believe that a majority of the Senate will take the position that the Department of government which was created to represent the viewpoint of the wage earners of the United States and which has reflected it through its long record shall be stricken from this committee, and that the Department of Commerce shall be substituted therefor.

Mr. DAVIS. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield to the Senator from Pennsylvania.

Mr. DAVIS. What reasons did the committee assign for striking out the Department of Labor and substituting the Department of Commerce?

Mr. LA FOLLETTE. The only thing I heard from the Senator from Wyoming which sounded to my ears like an argument was the fact that some rumors had been floating around Washington, and that the committee had a tough time reporting the joint resolution, and that for some reason or other the committee recommendation is to carry out some kind of compromise within the Judiciary Committee, and to allay the rumors which have been floating around the Capital City.

Mr. O'MAHONEY. Mr. President, the Senator from Wisconsin will do me greater justice than to say that that was my argument.

Mr. LA FOLLETTE. I said that was the only portion of the Senator's argument which sounded to my ears like an argument.

Mr. O'MAHONEY. That was the only portion of the argument to which the Senator paid any attention.

Mr. LA FOLLETTE. The rest of the Senator's argument, if I may be permitted to say so facetiously, seemed to me to cover up the kernel which I have mentioned.

Mr. O'MAHONEY. I do not wish to interrupt the Senator, except to say that the object of the committee amendment is to indicate to the great commercial interests of the country that the purpose of the study is not punitive. In view of the great problem which confronts us, I think that is an important consideration.

Mr. LA FOLLETTE. Mr. President, if the only reason for the elimination of the Department of Labor and the substitution of the Department of Commerce is to allay the fears of some unknown, undesignated group in the United States that is apprehensive as to the character of the investigation which may be conducted, then I may say that the amendment proposed is futile on its face. That which will convince any persons in the United States who have any apprehension about the purpose of the inquiry and the investigation authorized by the joint resolution will be the type of inquiry and investigation which is made after the committee is set up. The protestations from Senators and technical amendments to the resolution will not accomplish anything in advance of the committee beginning its work.

I sum up by saying that I think it would be a very bad policy for the Senate of the United States to eliminate the Department of Labor and substitute therefor the Department of Commerce, in view of the acknowledged impact of

monopoly and monopolistic practices upon the toiling masses of the country.

Mr. POPE. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I have concluded, but I am glad to yield.

Mr. POPE. I merely wish to call the attention of the Senate to the fact that in the President's message throughout—I have taken the trouble in the last few minutes to read it—labor and capital are mentioned as the two elements to be studied particularly by this committee. For instance, in the very opening part of his message he refers to the necessity for employment, and the very last sentence is:

For idle factories and idle workers profit no man.

As I have examined the President's message, capital and labor are the two elements to which the President referred oftener than to anything else. His message is shot through and through with references to the part that labor has in such an investigation.

Mr. LA FOLLETTE. The Senator is absolutely correct about that.

Mr. O'MAHONEY. Mr. President, will the Senator from Wisconsin yield to me?

Mr. LA FOLLETTE. I yield.

Mr. O'MAHONEY. I yield to no Member on this floor in my devotion to the interests of the wage earners. I yield to no Member of the Congress in my desire and effort to achieve social justice for the workers of the country. But I feel that the argument which is being made here is not being made upon a sound basis.

Let me call the attention of the Senator from Idaho and the Senator from Wisconsin to the recommendation which the President made. This is to be found on page 7 of Senate Document No. 173. His recommendation was:

I recommend an appropriation of not less than \$500,000 for the conduct of such comprehensive study by—

Then he names three agencies—

the Federal Trade Commission, the Department of Justice, the Securities and Exchange Commission, and such other agencies of Government as have special experience in various phases of the inquiry.

The Department of Labor was not mentioned by the President. Into the pending joint resolution has been written the provision as clear as language can make it that this committee shall have the power to use the personnel and the facilities of every Department of the Government. That includes, of course, the Department of Labor, and it will be the intention of the committee to use it.

Mr. LA FOLLETTE. Mr. President, I am not questioning the Senator's record nor his interest in the problems of the wage earners, but I am saying, the Department of Labor having been incorporated as one of the agencies to participate in the investigation in the joint resolution when it was introduced, it would be a serious mistake for the Senate to take it out and to substitute for it the Department of Commerce, on the theory that such action might allay the alleged fears of some persons. I maintain that the Senate should not eliminate from this committee the Department of Labor which represents the point of view of the wage earner in the United States. I hope the committee amendment will be rejected.

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair). The question is on the amendment reported by the committee.

Mr. NORRIS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are demanded. Is the demand seconded?

Mr. NORRIS. I withdraw the request temporarily.

The PRESIDING OFFICER. The question is on the amendment of the committee.

The amendment was rejected.

Mr. O'MAHONEY. Mr. President, I now move, after the words "Department of Labor", that the words "Department of Commerce" be inserted in line 2, page 2.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Wyoming [Mr. O'MAHONEY].

The amendment was agreed to.

Mr. O'MAHONEY. Mr. President, after the joint resolution was reported from the committee the legislative drafting service called my attention to an apparent source of misinterpretation in section 5. This section is one which gives the committee the power to summon witnesses and compel testimony, and so forth. The language in lines 16, 17, and 18 apparently confers this power "with respect to studies and investigations conducted pursuant to the act of August 26, 1935," that being the Public Utilities Act. Of course, it is not the purpose to restrict the investigation to the purposes of that act, but that the investigation shall be made for all the purposes of this joint resolution, I therefore send the following amendment to the desk and move its adoption.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 6 it is proposed to strike out all of section 5 and, in lieu thereof, to insert the following:

SEC. 5. For the purpose of this joint resolution, the committee, or any subcommittee designated by it, shall be entitled to exercise the same powers and rights as are conferred upon the Securities and Exchange Commission by such subsection (c) of section 18 of the act of August 26, 1935 (49 Stat. 831); and the provisions of subsections (d) and (e) of such section shall be applicable to all persons summoned by subpoena or otherwise to attend and testify or to produce books, papers, correspondence, memoranda, contracts, agreements, or other records and documents before the committee.

Mr. AUSTIN obtained the floor.

Mr. NORRIS. Mr. President, I wish to call the attention of the Senator from Wyoming to page 4.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. O'MAHONEY. There is an amendment pending.

Mr. NORRIS. I was not aware of that.

Mr. AUSTIN. Mr. President, I am certainly willing to give up the floor to the Senator from Nebraska.

Mr. NORRIS. I did not know the Senator from Vermont had the floor.

Mr. AUSTIN. I understood I had the floor.

Mr. NORRIS. Very well.

Mr. AUSTIN. But I will yield to the Senator from Nebraska.

Mr. NORRIS. All I want to do is to suggest a perfecting amendment that, on account of the rejection of the committee amendment, ought necessarily to be agreed to.

Mr. AUSTIN. Very well; I yield to the Senator.

Mr. NORRIS. On page 4, commencing with line 17, subsection (b), the committee amendment already agreed to name the Departments of Government except the Department of Labor. That committee amendment has already been agreed to. I ask unanimous consent that the vote by which the amendment was agreed to may be reconsidered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the vote by which the committee amendment was agreed to is reconsidered.

Mr. NORRIS. Now, Mr. President, I move to insert after the word "Treasury"—it could come in anywhere, I presume—in line 18, the words "Department of Labor."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nebraska to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. NORRIS. I thank the Senator from Vermont. I was not aware when I addressed the Chair that the Senator from Vermont had the floor.

Mr. AUSTIN. Mr. President, I should like to ask the Senator from Wyoming for an explanation of a certain characteristic of the amendment now being considered. As I study it, the effect of it upon section 5, on page 6 of the joint resolution, is to strike out any reference to the courts of the United States which appears in that section.

Mr. O'MAHONEY. No; the Senator from Nebraska [Mr. NORRIS] just asked me the same question, but not on the floor. That is only the apparent effect. The courts are not named in the joint resolution, but they are named in the paragraph of the act which is adopted; so that the courts have exactly the same powers which were granted in the joint resolution as reported.

Mr. AUSTIN. The reference to the act of August 26, 1935, is a reference to a certain section and subsections relating to investigations by the Securities and Exchange Commission, injunctions, enforcement of title, and prosecution of offenses.

Mr. O'MAHONEY. Will the Senator look at subdivision (d)?

Mr. AUSTIN. Yes, Mr. President; I am looking at it. I did not quite understand why the Senator from Wyoming wanted, in effect, to strike out the words "and the courts of the United States", and again to strike out "and upon such courts with respect to studies and investigations conducted pursuant to the act of August 26, 1935."

Mr. O'MAHONEY. I did not want to strike them out in the sense of depriving the courts of any power which was granted in the original joint resolution, and no change is made in that respect by this amendment. As I indicated to the Senator when I called the matter to his attention earlier in the day, this is a draft which was handed to me by the legislative counsel for the Senate; and the only effect of the amendment is to eliminate the source of misinterpretation which is to be found in lines 16, 17, and 18, whereby the power granted is apparently tied to the studies and investigations conducted pursuant to the act of August 26, 1935. With the elimination of that language and the redraft, we have everything in the world that we had before, but we eliminate any possibility of misunderstanding.

Mr. AUSTIN. Does the Senator regard it as a judicious grant of power to give to any one person designated by the committee all of the powers which are contained in the act referred to with reference to subpoena, punishment for contempt, and so forth?

Mr. O'MAHONEY. Mr. President, I see nothing wrong in that. It is to be presumed that the committee will act with the entire scope of the joint resolution in mind, and will not in any sense abuse its power. Of course, if this work is to be done, it is to be done during the recess of Congress; and the authority to appoint subcommittees was agreed to by the Senate committee.

Mr. AUSTIN. Mr. President, I should not have so much doubt about the wisdom of that if this were purely a legislative committee; but, having spread it out as we have, I have grave doubt of the wisdom of it. In no way, however, do I intend to vote for the joint resolution. Therefore, I shall not impede its progress.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. AUSTIN. Yes.

Mr. O'MAHONEY. In order to meet the suggestion of the Senator, I modify my amendment by striking out the word "person", the twelfth word in the amendment, and substituting in lieu thereof the word "subcommittee", so that the power is extended to the full committee or any subcommittee appointed by it.

Mr. AUSTIN. Mr. President, I thank the Senator for that change. I think it is a good change.

I probably shall not have an opportunity again to express my general views about the joint resolution. I desire to say that I am persuaded by the amendments which have been made on the floor of the Senate to vote against the joint resolution. I should have voted for it had it not been changed into the condition in which it now is.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wyoming, as modified.

The amendment, as modified, was agreed to.

Mr. LOGAN. Mr. President, I desire to offer an amendment to the pending joint resolution; and, since it is a little difficult to read what I have written, if there is no objection, I will read it.

At the end of line 5, on page 3, I move to insert the following:

Shall investigate the subject of governmental adjustment of the purchasing power of the dollar so as to attain 1926 commodity price levels; and.

I offer that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kentucky.

Mr. O'MAHONEY. Mr. President, the Senator's amendment is taking us rather far afield, and is inserting something which was not included within the President's message; but I shall be very glad at least to take the amendment to conference.

Mr. LOGAN. That is very kind of the Senator; but I may say to him that if he will investigate his own joint resolution he will find that it nibbles all around this subject.

Mr. O'MAHONEY. All around it, but without biting it.

Mr. LOGAN. I thank the Senator, however, for his willingness to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kentucky. The amendment was agreed to.

Mr. O'MAHONEY. If there be no further amendments, I ask that the question be put on the passage of the joint resolution.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. O'MAHONEY subsequently said: Mr. President, shortly after the passage of the joint resolution creating a temporary national economic committee to study the problem of monopoly I discussed the subject matter of the joint resolution over the radio, at the invitation of the Columbia Broadcasting System. I ask unanimous consent that this talk may be printed in the Record as part of my remarks at the conclusion of the debate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming? The Chair hears none, and it is so ordered.

The address is as follows:

THE PROPOSED MONOPOLY STUDY

In a memorable message addressed to the Congress on April 29, President Roosevelt recommended "a thorough study of the concentration of economic power in American industry and the effect of that concentration upon the decline of competition." Today, the United States Senate adopted and sent to the House a resolution authorizing that study. If the resolution is finally enacted and the study is actually completed, it may easily be that the message of April 29 will go down in history as the most significant Presidential utterance of a generation, for it deals with a fundamental problem which affects the whole world—not America alone, but the whole world. More than that, it affects the very philosophy of government itself; and on the manner in which it is settled depends the answer to the question now being propounded wherever men consider the appalling disorders that beset mankind, "Can democratic government endure?"

The proposed study has been popularly called "the monopoly investigation" and it has been represented in some of the reports which have gone out of Washington as a sort of punitive political expedition of the New Deal designed to harass and upset business. Some commentators have professed to see in it a movement inimical to private enterprise and even to our form of government itself.

PROTECTION OF FREE ENTERPRISE

Let me say, therefore, at the outset, that no one can read the President's message with a calm mind and entertain such a belief. "No man of good faith will misinterpret these proposals," the President told us in making his recommendation. "They derive from the oldest American traditions. Concentration of economic power in the few and the resulting unemployment of labor and capital are inescapable problems for a modern 'private enterprise' democracy. I do not believe that we are so lacking in stability that we will lose faith in our own way of living just because we seek to find out how to make that way of living work more effectively." That is precisely the purpose of the President's proposal and the objective of my resolution, to find the way to make our democratic system of free private enterprise work so as to afford employment and plenty for every citizen. "It is a program," again in the words of the President, "to preserve private enterprise for profit by keeping it free enough to be able to utilize all our resources of capital and labor at a profit."

There can be no misunderstanding, therefore, of the purpose of this study. It is to maintain private enterprise, to preserve the profit system, and to protect the democratic form of government. Here is no plan to establish big government at the expense of our traditional institutions. Here is only a plan to find the way whereby the combined concentration of economic power and wealth can be prevented from destroying both economic freedom and political liberty. It can be laid down as an axiom of human existence that political liberty cannot long endure when economic freedom is lost. It is the loss of economic freedom which has been the most baleful result of our failure to restrain the concentration of economic power. The millions of American citizens now idle and dependent upon the Government for a miserable subsistence are not economically free, for they cannot support themselves in our highly organized, machine-made civilization, by their own unaided efforts.

This is a condition which was foreseen some 50 years ago when the leaders of American political thought began to turn their thoughts toward what has been called "antitrust" legislation. The Sherman law, enacted by Congress in 1890, was a prohibition by the Federal Government against combinations in restraint of trade—that is to say, mergers by which free competition among men was suppressed.

Before 1890, and even then, the problem was not very acute because business was essentially local and any man who was willing to exert himself was able to support himself. With the progress of invention, however, as electricity began to reduce the significance of time and space, business began to spread beyond State lines and, more important, the control of this spreading business began to concentrate in fewer and fewer hands. Today, it may almost be said that practically all the business that matters is national in its scope and that very little of this is susceptible of regulation by the States. The business organization has become more important than the States and a larger and larger proportion of our people have become absolutely dependent upon these organizations for their existence.

Because we had no national rule by which this national business could regulate itself, no national rule to preserve economic freedom, the demand for intervention by the Federal Government began to grow, and this intervention always took the form of discretionary regulation, which was frequently resented as interference.

DICTATORSHIP THE PRODUCT OF CONCENTRATION

The significant thing is that big business gave birth to big government. Concentrated economic control produced concentrated political control. What the result of that may be we can see by looking back into the Old World. The President pointed it out in his monopoly message:

"The liberty of a democracy is not safe," he declared, "if the people tolerate the growth of private power to a point where it becomes stronger than their democratic state itself. That, in its essence, is fascism—ownership of government by any individual, by a group, or by any other controlling private power."

That's what the President said. No one can dispute it. The dictatorships of modern Europe are the product of economic concentration. The way to prevent dictatorships, either private or public, is to maintain the economic freedom of the people.

My resolution is intended to help the President to find the way to do that. It creates a temporary national economic committee. I called it a "temporary" committee just to emphasize the necessity for early action. This committee is to consist of six Members of the Congress and five representatives of the executive Departments and agencies. Three of the Members from the Congress are to be Senators, appointed by the Vice President, and three are to be Members of the House of Representatives, to be appointed by the Speaker. The purpose of having Members of Congress on the committee is to enable Members of the National Legislature, which will have to pass any law that may be necessary, to have first-hand knowledge of the whole study.

The executive branches named in the resolution are the Department of Justice, the Department of the Treasury, the Department of Labor, the Department of Commerce, the Securities and Exchange Commission, and the Federal Trade Commission. Each of these Departments or agencies deals intimately with various phases of the national business machine.

Justice is charged with the enforcement of the antitrust laws. Treasury, through the Procurement Division, purchases all the vast amount of supplies needed by the Government in all its ordinary and emergency activities. It also collects the revenues.

Commerce is the Department through which annually huge sums are expended to encourage business. The Bureau of Foreign and Domestic Commerce alone has agents all over the globe seeking to aid American businessmen.

The Department of Labor, as everyone knows, was created for the purpose of giving special recognition in the Government establishment to wage earners in commerce and industry. One of the most important objectives of the resolution is to seek the cause and the cure of unemployment and it was believed that the special facilities of this Department would be made particularly effective by representation on the committee.

The Securities and Exchange Commission, created by this administration, has done a splendid piece of work for the protection of the American investor. It is equipped with special knowledge with respect to the structure and powers of corporations, the artificial agencies through which the national business is carried on.

Finally, there is the Federal Trade Commission. This body, created during the administration of Woodrow Wilson, is familiar with

unfair trade practices. It has conducted many investigations into various phases of business and knows the methods which have been used to fix prices and suppress competition.

Thus we have a joint legislative and executive committee which, in the opinion of Representative HATTON W. SUMNERS, of Texas, chairman of the House Committee on the Judiciary (who cooperated in the drafting of the resolution and introduced it in the House) and myself, is ideally suited to conduct the broad study here required. The structure of the committee affords an opportunity for close cooperation between the lawmaking and the law-enforcing branches of the Government and the development of sound, well-considered recommendations.

It is made the duty of this group to go fully into all the subjects mentioned in the President's message—monopoly, concentration of economic power, control over production and distribution, the effect of price policies, tax, patent, and other Government policies upon competition, unemployment, profits, and consumption. To make this study, the committee is authorized to utilize the services, information facilities, and personnel of all the Departments and agencies of the Government, whether or not represented on the committee.

It is provided that at the beginning of the next session of Congress, that is to say in January 1939, the committee is to make a report to the President and the Congress. This report is to cover recommendations for legislation on all the matters of inquiry, recommendations for improvement of antitrust policy and procedure, and for the establishment of national standards for corporations engaged in interstate and foreign commerce. The committee is given all the powers necessary for developing the facts and an appropriation of \$500,000 is authorized to enable the committee to carry out its functions.

OPPORTUNITY FOR CONSTRUCTIVE REFORM

Thus is created an instrumentality, equipped to gather and coordinate the factual information necessary to a constructive solution of our economic problems. Speaking for myself, I am not at all concerned in anything that has transpired in the past save as it may be a guide to the future. I am not concerned even with violations of law that may have been committed. I know that there is more profit to be made in the future and by more people than was ever accumulated in the past. Our only task is to find the formula by which artificial restraints of all kinds can be removed and the enterprise of all our people released.

To bring prosperity to all the people, it is not necessary to take it away from any of them. To secure a better distribution of wealth, it is not necessary to deprive any person of what he has already accumulated. All the wealth that really matters is yet to be made. It is the wealth that is to be produced by free men from whom opportunity is not wrongfully or stupidly withheld by other men.

The anomalous fact that stares us all in the face is that the world produces more than enough to enable everybody to enjoy plenty, but millions, through no fault of their own, are in want and misery. The whole economic system has broken down because we have permitted it to be privately controlled for the advantage of those exercising the control instead of seeing to it that it is publicly controlled for the benefit of all.

To achieve that public control for the benefit of all is the object of this study. It is a task to be performed in a spirit of tolerance and understanding by men of good will.

Let me send you a copy of the President's message and of this resolution.

INVESTIGATION OF AIR- AND OCEAN-MAIL CONTRACTS

Mr. KING. Mr. President, some time ago—it seems a century ago—a committee was created known as the Black Investigating Committee of which the Senator from Vermont and the Senator from Maine and myself were members. We have concluded our labors. We have a large number of files containing testimony. I desire to submit a resolution.

Mr. LA FOLLETTE. Mr. President, I may say that a Senator who is now absent from the floor indicated some interest in this matter, and I shall have to object.

Mr. KING. Was it the Senator from Maine [Mr. WHITE]?

Mr. LA FOLLETTE. No; another Senator. I shall have to object to the resolution being submitted at this time.

Mr. KING. I will introduce it and—

Mr. LA FOLLETTE. No; I object to its being introduced, Mr. President.

Mr. KING. I present it, and ask that it lie on the table.

Mr. LA FOLLETTE. It cannot be submitted except in the morning hour unless unanimous consent is granted.

The PRESIDING OFFICER. Objection is made.

AMENDMENT TO WALSH-HEALEY PUBLIC CONTRACTS ACT— RECONSIDERATION

Mr. KING. Mr. President, when the calendar was called on Tuesday last I had intended to move a reconsideration, in order to secure a further explanation, of Senate bill

2165, to amend the act entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States and for other purposes." In the haste, I omitted to carry out my intention. I now move that the House of Representatives be requested to return the bill to the Senate.

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah.

The motion was agreed to.

The PRESIDING OFFICER. The House will be requested to return the bill to the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, returned to the Senate, in compliance with its request, the bill (H. R. 146) to require contractors on public-building projects to name their sub-contractors, material men, and supply men, and for other purposes.

The message announced that the House had agreed to the amendment of the Senate to the bill (H. R. 9610) to amend the National Firearms Act.

The message also announced that the House had agreed to the amendments of the Senate to each of the following bills of the House:

H. R. 10261. An act authorizing the town of Friar Point, Miss., and Coahoma County, Miss., singly or jointly, to construct, maintain, and operate a toll bridge across the Mississippi River from a point at or near the town of Friar Point, Coahoma County, Miss., to a point at or near Helena, Phillips County, Ark.; and

H. R. 10459. An act to amend certain provisions of law relative to the production of wines, brandy, and fruit spirits so as to remove therefrom certain unnecessary restrictions; to facilitate the collection of internal-revenue taxes thereupon; and to provide abatement of certain taxes upon wines, brandy, and fruit spirits where lost or evaporated while in the custody and under the control of the Government without any fault of the owner.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 6246) to provide for placing educational orders to familiarize private manufacturing establishments with the production of munitions of war of special or technical design, noncommercial in character, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MAY, Mr. THOMASON of Texas, Mr. HARTER, Mr. CLASON, and Mr. ARENDS were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H. R. 10851) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1938, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1938, and June 30, 1939, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 593. An act for the relief of the estate of W. K. Hyer;

S. 988. An act to amend an act entitled "An act to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce a Foreign Commerce Service of the United States, and for other purposes", approved March 3, 1927, as amended;

S. 1274. An act for the relief of John H. Owens;

S. 1878. An act for the relief of Mary Way;

S. 2009. An act to authorize the payment of certain obligations contracted by the Perry's Victory Memorial Commission;

S. 2051. An act for the relief of John F. Fitzgerald;

S. 2208. An act for the relief of Bruce G. Cox and Harris A. Alistar;

S. 2417. An act for the relief of Samuel L. Dwyer;

S. 2553. An act for the relief of E. E. Tillett;

S. 2566. An act for the relief of the Blue Rapids Gravel Co., of Blue Rapids, Kans.;

S. 2643. An act for the relief of Mr. and Mrs. James Crawford;

S. 2798. An act for the relief of Edith Jennings and Patsy Ruth Jennings, a minor;

S. 2802. An act for the relief of Carl Orr, a minor;

S. 3002. An act for the relief of the holders of the unpaid notes and warrants of the Verde River irrigation and power district, Arizona;

S. 3056. An act for the relief of Dorothy Anne Walker, a minor;

S. 3102. An act for the relief of the estate of Raquel Franco;

S. 3111. An act for the relief of the estate of Lillie Liston, and Mr. and Mrs. B. W. Trent;

S. 3147. An act for the relief of Mr. and Mrs. S. A. Felsen-thal, Mr. and Mrs. Sam Friedlander, and Mrs. Gus Levy; and

S. 3300. An act for the relief of Pearl Bundy.

HOUSE BILL REFERRED

The bill (H. R. 10851) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1938, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1938, and June 30, 1939, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

MARK H. DOTY

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 2876) for the relief of Mark H. Doty, which were, on page 1, line 4, to strike out all after "Treasury" down to and including "Corps" in line 6, and insert "not otherwise appropriated"; and on the same page, line 8, to strike out all after the word "States" down to and including "(2)" in line 9.

Mr. SMITH. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

INVESTIGATION OF THE W. P. A.

Mr. KING. Mr. President, a few days ago I submitted Senate Resolution 284, calling for an investigation of the Works Progress Administration. I find that the resolution must go to the Committee to Audit and Control the Contingent Expenses of the Senate. At the outset I did not understand that that was required under the rule.

I therefore ask to take the resolution from the table and, with one modification which I shall make before it is transmitted, changing "\$10,000" to "\$25,000", that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDING OFFICER. Without objection, the resolution will be modified in accordance with the request of the Senator from Utah and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

FLOOR-STOCK TAX ON DISTILLED SPIRITS, EXCEPT BRANDY

Mr. BARKLEY. Mr. President, I move that the Senate proceed to the consideration of House Joint Resolution 683, Calendar No. 2145.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kentucky.

The motion was agreed to; and the Senate proceeded to consider the joint resolution (H. J. Res. 683) to provide for a floor-stock tax on distilled spirits, except brandy.

Mr. BARKLEY. Mr. President, if any Senator desires an explanation of this measure, I am prepared to make it; but, if no one does, I hope we may vote on the joint resolution. It has been reported without amendment from the Committee on Finance, and takes care of a situation made necessary by the increase in the tax on distilled spirits carried in the revenue bill recently passed.

The House put an additional 25-cent tax on distilled spirits. The Senate committee and the Senate eliminated that tax, but when the measure went to conference the tax was retained. In order to avoid an unusual number of withdrawals between now and July 1, when the increased tax takes effect—which would have two effects, one to deprive the Government of nineteen to twenty million dollars of revenue, and the other to bring about some chaos in the business by unusual withdrawals in order to avoid the tax—this joint resolution has been passed by the House, providing for a floor tax on distilled spirits except brandy, which is not included in the increased tax of 25 cents.

So far as I know, there is no opposition to the joint resolution, and I hope it will be passed.

The PRESIDING OFFICER. The question is on the third reading and passage of the joint resolution.

The joint resolution was ordered to a third reading, read the third time, and passed, as follows:

Resolved, etc., That there shall be levied, assessed, collected, and paid a floor tax of 25 cents on each proof-gallon and a proportionate tax at a like rate on all fractional parts of such proof-gallon upon all distilled spirits, except brandy, produced in or imported into the United States upon which the internal-revenue tax imposed by law has been paid and which, on July 1, 1938, are held by a retail dealer in liquors in a quantity in excess of 250 wine-gallons in the aggregate or by any other person, corporation, partnership, or association in any quantity and which are intended for sale for beverage purposes or for use in the manufacture or production of any article intended for sale for beverage purposes.

Each retail dealer in liquors and each person required hereunder to pay the floor tax shall within 30 days after July 1, 1938, make return under oath in such form and under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe. Payment of the tax shown to be due may be extended to a date not exceeding 7 months after July 1, 1938, upon the filing of a bond for payment in such form and amount and with such surety or sureties as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe.

All provisions of law, including penalties, applicable in respect of internal-revenue taxes on distilled spirits shall, insofar as applicable and not inconsistent with this section, be applicable in respect of the floor tax imposed hereunder.

AUTHORIZATION OF FLOOD-CONTROL PROJECTS

Mr. COPELAND. Mr. President, I move that the Senate proceed to consider House bill 10618, Calendar No. 1967, the flood-control bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 10618) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes, which had been reported from the Committee on Commerce with amendments.

Mr. COPELAND. Mr. President, I ask unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the amendments of the committee be first considered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BARKLEY. Mr. President, there should be a quorum present when this bill is considered, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Caraway	Harrison	Lundeen
Andrews	Chavez	Hatch	McAdoo
Ashurst	Connally	Hayden	McGill
Austin	Copeland	Herring	McKellar
Bankhead	Davis	Hill	McNary
Barkley	Dieterich	Hitchcock	Miller
Berry	Donahay	Holt	Milton
Blibo	Duffy	Hughes	Minton
Bone	Ellender	Johnson, Calif.	Murray
Borah	Frazier	Johnson, Colo.	Neely
Brown, Mich.	George	King	Norris
Brown, N. H.	Gerry	La Follette	O'Mahoney
Bulow	Gibson	Lee	Overton
Burke	Glass	Lewis	Pepper
Byrd	Green	Lodge	Pittman
Byrnes	Guffey	Logan	Pope
Capper	Hale	Loneragan	Radcliffe

Reames	Schwellenbach	Thomas, Utah	Van Nuys
Reynolds	Sheppard	Townsend	Wagner
Russell	Shipstead	Truman	Walsh
Schwartz	Smith	Vandenberg	Wheeler

The PRESIDING OFFICER (Mr. HATCH in the chair). Eighty-four Senators having answered to their names, a quorum is present.

BRIDGE ACROSS NIAGARA RIVER, NIAGARA FALLS, N. Y.

Mr. COPELAND. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside, so that I may request the immediate consideration of House Joint Resolution 688, Calendar No. 2136. The joint resolution would create the Niagara Falls Bridge Commission, and authorize it to operate a bridge across the Niagara River between our country and Canada. The joint resolution has been passed by the House.

The PRESIDING OFFICER. Is there objection to the unfinished business being temporarily laid aside for the consideration of the joint resolution referred to by him?

There being no objection, the joint resolution (H. J. Res. 688) creating the Niagara Falls Bridge Commission, and authorizing said commission and its successors to construct, maintain, and operate a bridge across the Niagara River at or near the city of Niagara Falls, N. Y., was considered, ordered to a third reading, read the third time, and passed.

CONVEYANCE OF LAND TO LANE S. ANDERSON POST, NO. 297, VETERANS OF FOREIGN WARS

Mr. NEELY. Mr. President, I ask unanimous consent for the present consideration of House bill 9014, Calendar No. 2148, which provides for the conveyance of a parcel of land by the United States to the Lane S. Anderson Post, No. 297, Veterans of Foreign Wars.

The sole purpose of the bill is to authorize the Government to convey 0.74 of an acre of land, situated in South Charleston, W. Va., which it does not need, to the Veterans of Foreign Wars for the sum of \$2,250. The War Department does not object to the passage of the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the bill (H. R. 9014) to authorize the conveyance to the Lane S. Anderson Post, No. 297, Veterans of Foreign Wars of the United States, of a parcel of land at lock No. 6, Kanawha River, South Charleston, W. Va., was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to convey by quitclaim deed to the Lane S. Anderson Post, No. 297, Veterans of Foreign Wars of the United States, South Charleston, W. Va., for the sum of \$2,250, a tract of land, together with the improvements thereon, situated on the left or south bank of the Kanawha River at lock No. 6, city of South Charleston, Kanawha County, W. Va., and more specifically described as follows:

Beginning at a stone monument at the southwestern corner of the tract of land, said point of beginning also being the intersection of the northeastern boundary line of F Street and the northwestern boundary line of Eleventh Avenue of said city; thence from the said point of beginning along the said F Street boundary line north 22°45' west 312 feet to a point in the shore line of the Kanawha River; thence upstream along the shore line approximately 102 feet; thence south 23°30' east exactly 312 feet to a point in the aforesaid northwestern boundary line of Eleventh Avenue; thence along this boundary line south 66°30' west 104.8 feet to the point of beginning; containing 0.74 acre, more or less, subject to the perpetual right of the United States of America to flood such part of said land as may be necessary from time to time in the interest of navigation or flood control.

The land hereinbefore described was acquired by the United States of America by condemnation, recorded in the Kanawha County Circuit Court record book No. 4, pages 300 and 509, of the records of said county.

Sec. 2. The deed of conveyance of the property shall contain the following conditions:

"That in the event the grantee shall cease to use the property for the purposes of the organization, or shall alienate or attempt to alienate such property, title thereto shall revert to the United States.

"That the grantee shall at its own expense provide sewer connections with the municipal sewer system.

"That the grantee shall bear any expenses (other than the preparation of the deed of conveyance) necessary to accomplish the conveyance."

AUTHORIZATION OF FLOOD-CONTROL PROJECTS

The Senate resumed the consideration of the bill (H. R. 10618) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes.

Mr. COPELAND. Mr. President, in accordance with the unanimous-consent agreement, I ask for the consideration of the committee amendments first, including a number which I propose on behalf of the committee.

The PRESIDING OFFICER. The clerk will state the first committee amendment.

The first amendment of the Committee on Commerce was, on page 4, after line 5, to insert:

MERRIMACK RIVER BASIN

The general comprehensive plan for flood control and other purposes, as approved by the Chief of Engineers pursuant to preliminary examinations and surveys authorized by the act of June 22, 1936, is approved and the project for flood control in the Merrimack River Basin, as authorized by the Flood-Control Act, approved June 22, 1936, is modified to provide, in addition to the construction of a system of flood-control reservoirs, related flood-control works which may be found justified by the Chief of Engineers.

The amendment was agreed to.

The next amendment proposed by Mr. COPELAND on behalf of the committee was, on page 5, after line 8, to insert:

MARSHY HOPE CREEK, MD.

The protection of the city of Federalsburg, Md., by a system of levees and flood walls in combination with channel improvement, in accordance with the report of the Chief of Engineers dated June 7, 1938, made pursuant to a preliminary examination and survey authorized by the act of June 22, 1936 (Public, No. 738, 74th Cong.), is hereby authorized at an estimated cost of \$220,000.

The amendment was agreed to.

Mr. COPELAND. I think the amendment just agreed to is the one in which the Senator from Maryland [Mr. RADCLIFFE] is interested. I make the statement merely for the RECORD.

The PRESIDING OFFICER. The next amendment will be stated.

The next amendment proposed by Mr. COPELAND on behalf of the committee was, under the heading "Ohio River Basin", on page 6, line 6, after the word "further", to strike out the remainder of the proviso in the committee amendment and insert the following:

That the Secretary of War is hereby authorized and directed to reimburse the Muskingum Conservancy District in Ohio a sum not to exceed 70 percent of the actual expenditures made by it in acquiring lands, easements, and rights-of-way for reservoirs in the Muskingum River Valley, but such reimbursement shall not exceed \$4,500,000, nor include any expenditures for lands, easements, and rights-of-way heretofore or hereafter purchased from said district by the United States.

The amendment was agreed to.

The next amendment proposed by Mr. COPELAND on behalf of the Committee on Commerce was, on page 8, after line 9, to insert:

For the purposes of preventing or controlling floods, and of facilitating navigation on the Ouachita River in Arkansas and Louisiana, authority is hereby conferred on the Secretary of War under the supervision of the Chief of Engineers to participate on behalf of the United States in the cost of construction of a multiple-use reservoir at the Blakely Mountain site on the Ouachita River in Arkansas, according to plans and estimates duly approved by the Secretary of War and the Chief of Engineers, pursuant to a resolution of the Committee on Flood Control of the House of Representatives, adopted May 11, 1938: *Provided*, That the sum of money expended in said participation shall not exceed a just and reasonable proportion of the total cost of the multiple-use reservoir as allocated according to the proportionate storage capacity reserved or utilized for flood-control purposes, nor exceed the estimated value of the flood control to be achieved, nor in any event to exceed the sum of \$2,000,000: *Provided further*, That the Secretary of War is authorized to pay for said participation in said multiple-use reservoir out of any funds authorized for flood control when the flood-control portion of the project is completed: *Provided further*, That the Federal Power Commission is hereby authorized and directed to retain and exercise the authority heretofore conferred on it by law with respect to that portion of the project constructed and operated for power purposes: *Provided further*, That the improvements shall be operated and maintained at the expense of the private parties constructing said project in accordance with regulations approved by the Secretary of War and the Chief of En-

gineers with respect to navigation and flood control and by the Federal Power Commission with respect to the operations for power.

The amendment was agreed to.

The next amendment was, under the heading "Red River Basin", on page 9, line 2, after the words "value of", to strike out "the \$62,000 excess value over charges" and insert "one-half of the \$404,310 average annual profit from the sale of power as"; and in line 4, after the word "page", to strike out "63" and insert "94", so as to read:

The Denison Reservoir on Red River in Texas and Oklahoma for flood control and other purposes as described in House Document No. 541, Seventy-fifth Congress, third session, with such modifications thereof as in the discretion of the Secretary of War and the Chief of Engineers may be advisable, is adopted and authorized at an estimated cost of \$54,000,000: *Provided*, That, because of the power features of this project, all lands, easements, and rights-of-way for the project shall be acquired by the United States and the local contribution for the flood-control portion of the project shall be in the form of a direct monetary contribution from States or political subdivisions: *Provided further*, That this contribution shall be a sum equivalent to 30 percent of the estimated value of the lands, easements, and rights-of-way assignable to the flood-control portion of the project, less the capitalized value of one-half of the \$404,310 average annual profit from the sale of power as given on page 94 of House Document No. 541, Seventy-fifth Congress, third session, all as estimated by the Chief of Engineers: *And provided further*, That in the consideration of benefits in connection with the Denison Reservoir all benefits that can be assigned to the proposed Altus project and other such projects in Oklahoma shall be reserved for said projects.

The amendment was agreed to.

The next amendment was, also under the heading "Red River Basin", on page 10, after line 2, to insert:

The construction of a reservoir and other control works, in accordance with plans in the Office of the Chief of Engineers, in lieu of the construction of a floodway for the diversion of Bayou Bodcau and Cypress Bayou to improve flood protection, as authorized in section 5 of the Flood Control Act approved June 22, 1936, provided that the total estimated cost shall not be increased, is approved.

The amendment was agreed to.

The next amendment was, under the heading "Lower Mississippi River", on page 14, line 14, after the word "the", to insert "act of May 15, 1928, as amended by the", so as to read:

Except as herein amended, the act of May 15, 1928, as amended by the act of June 15, 1936, as amended, shall remain in full force and effect.

The amendment was agreed to.

The next amendment was, on page 19, line 1, after the name "Madison", to strike out "Texas" and insert "Tensas", so as to read:

Tensas River, Franklin, Madison, Tensas, East Carroll, Concordia, and Catahoula Parishes, La.

The amendment was agreed to.

The next amendment proposed by Mr. COPELAND on behalf of the committee was, on page 19, after line 13, to insert:

Pecos River and tributaries, Texas and New Mexico.

The amendment was agreed to.

The next amendment was, on page 19, after line 13, after the amendment heretofore agreed to, to insert:

Lavaca River, Tex.

The amendment was agreed to.

The next amendment was, on page 19, after line 20, to insert:

Ouachita River near Calion, Ark.

The amendment was agreed to.

The next amendment was, on page 19, after line 23, to insert:

Black River, Mo. and Ark.

The amendment was agreed to.

The next amendment was, on page 20, after line 3, to insert:

Chariton River, Mo.

The amendment was agreed to.

The next amendment proposed by Mr. COPELAND on behalf of the committee was, on page 20, after line 9, to insert:

Embarrass River, Ill.

The amendment was agreed to.

The next amendment proposed by Mr. COPELAND on behalf of the committee was, on page 20, after line 25, to insert:

Cowan Creek, Ohio.

The amendment was agreed to.

The next amendment was, on page 21, after line 14, to insert:

Clear Water River, Minn.

The amendment was agreed to.

The next amendment was, on page 22, after line 3, to insert:

Flathead River and tributaries in Flathead County, Mont.

The amendment was agreed to.

The next amendment proposed by Mr. COPELAND on behalf of the committee was, on page 22, after line 5, to insert:

Rio Grande and tributaries, Colorado, above the Colorado-New Mexico boundary line.
La Plata River, Colo.
Paonia (North Fork of Gunnison River), Colo.
West Divide, Colo.
Mancos River, Colo.
Yampa River, Colo.
Montezuma River, Colo.
Kremmling, Troublesome River, Colo.
Apishapa River, Colo.
Longs Canyon, Colo.
Wray, Colo.
Fountain Qui Bouille River, Colo.

The amendment was agreed to.

The next amendment proposed by Mr. COPELAND on behalf of the committee was, on page 22, after line 10, to insert:

Humboldt River and tributaries, in Nevada.
Virginia River and tributaries, in Nevada, Arizona, and Utah.
Owyhee River and tributaries, in Nevada.

The amendment was agreed to.

The next amendment proposed by Mr. COPELAND on behalf of the committee was, on page 24, line 1, after the figures "\$10,000,000", to strike out "to be expended at the rate of \$2,000,000 per annum."

The amendment was agreed to.

The next amendment proposed by Mr. COPELAND on behalf of the committee was, on page 21, line 16, after the name "New Mexico", to insert a colon, and the following proviso:

Provided, That such works and measures which are herein authorized to be prosecuted by the Department of Agriculture may be carried out on the watersheds of the Rio Grande and Pecos River subject to the proviso in section 2 of the said act of June 22, 1936.

Mr. COPELAND. This is an amendment offered by the Senators from New Mexico [Mr. HATCH and Mr. CHAVEZ].

The amendment was agreed to.

The PRESIDING OFFICER (Mr. LEE in the chair). The next amendment will be stated.

The next amendment proposed by Mr. COPELAND on behalf of the committee was, on page 23, line 10, after the word "in", to strike out "sections 1 and 2 of."

The amendment was agreed to.

Mr. CONNALLY. Mr. President, is that the amendment offered by the Senator from New Mexico?

The PRESIDING OFFICER. The Senator from New York offered the amendment.

Mr. CONNALLY. That was the one affecting the Rio Grande and the Pecos River? I heard it read a moment ago.

Mr. HATCH. Does the Senator refer to the amendment offered in behalf of the Senators from New Mexico?

Mr. CONNALLY. Yes.

Mr. HATCH. Yes. That amendment, as I understand, has been agreed to. I will ask the Senator from New York whether I am correct in that statement?

Mr. COPELAND. The amendment was offered at the instance of the Senators from New Mexico.

Mr. CONNALLY. May I inquire of the Senator from New Mexico what the effect of the amendment is?

Mr. HATCH. The effect of it is merely to authorize the Department of Agriculture to construct such projects as a survey heretofore authorized may develop to be necessary.

Mr. CONNALLY. On the Rio Grande and the Pecos River?

Mr. HATCH. That is correct.

Mr. CONNALLY. It has no relationship to the controversy now existing respecting the diversion of water to New Mexico and Texas?

Mr. HATCH. It has absolutely no relationship to that.

Mr. CONNALLY. It has no effect on that?

Mr. HATCH. None whatever.

The PRESIDING OFFICER (Mr. TRUMAN in the chair). The next amendment of the committee will be stated.

The next amendment was, on page 23, line 11, before the word "and", to insert "as amended."

The amendment was agreed to.

Mr. COPELAND. Mr. President, so far as I know we have acted on all the committee amendments. I think there are some amendments to be offered from the floor.

The PRESIDING OFFICER. The bill is still before the Senate and open to further amendment.

Mr. OVERTON. Mr. President, the chairman of the committee was authorized by the committee to introduce certain other amendments which I have not yet heard presented. I offer certain amendments, which I ask to have stated, and agreed to.

The PRESIDING OFFICER. The clerk will state the first amendment offered by the Senator from Louisiana.

The CHIEF CLERK. On page 11, line 3, after the word "all", it is proposed to strike out the word "flowage".

The amendment was agreed to.

The CHIEF CLERK. On page 11, line 3, after the word "easements", it is proposed to insert the following:

needed and of the character considered advisable.

The amendment was agreed to.

The CHIEF CLERK. On page 11, line 4, after the word "floodways", it is proposed to strike out the word "the" and all of lines 5, 6, and 7 down to and including the word "easements" in line 7.

The amendment was agreed to.

Mr. McNARY. Mr. President, may we have an explanation of the purport and purpose of the amendment offered by the Senator from Louisiana?

Mr. OVERTON. I shall be glad to explain it. The committee authorized the amendments to be offered from the floor after the bill had been reported. The amendment which has not yet been read is an amendment which was suggested by the Bureau of the Budget and which provides for reimbursing the States and local subdivisions for taxes on lands that have been or may hereafter be acquired under the provisions of this measure.

The bill as passed by the House and as reported by the Senate Commerce Committee provides for reimbursement of the States and local subdivisions for the taxes of which they have been deprived. The Bureau of the Budget has suggested another amendment in lieu thereof, and that is that the reimbursement shall be to the extent only of 25 percent of the revenues derived from leasing the property.

The other amendments relate to the acquisition of flowage easements in the Morganza floodway in lieu of titles in fee simple. Those amendments meet with the approval of the Chief of Engineers. That is the purpose of the amendments which are now being considered.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Louisiana [Mr. OVERTON], on page 11, line 7.

The amendment was agreed to.

Mr. OVERTON. Mr. President, I offer another amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 14, line 3, after the word "lands", it is proposed to strike out:

Provided, That in the event the United States retains the ownership of such property, the United States shall annually pay to the States and local taxing subdivisions and authorities thereof a sum equivalent to the revenue that would be derived annually by such States and local taxing subdivisions and authorities, based on the assessed value at the time of taking of the properties so acquired and retained in ownership.

And to insert in lieu thereof the following:

Provided, That 25 percent of all moneys received and deposited in the Treasury of the United States during any fiscal year on account of such leases shall be paid, at the end of such year, by the Secretary of the Treasury to the State in which such property is situated, to be expended as the State legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such property is situated: *Provided further*, That when such property is situated in more than one State or county the distributive share to each from the proceeds of such property shall be proportional to its area therein.

The amendment was agreed to.

MRS. G. R. SYTH

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2532) for the relief of Mrs. G. R. Syth, which were, on page 1, line 5, to strike out all after "Treasury" down to and including "Syth", in line 6, and insert "not otherwise appropriated, to Mr. and Mrs. Guy R. Syth"; on page 1, line 7, strike out "her claim" and insert "all claims"; on page 1, line 9, after "River", to insert "Montana"; on page 1, line 9, to strike out all after "which" down to and including "Government", in line 10, and insert "they sold to the Federal Emergency Relief Administration, now represented by the Resettlement Administration"; on page 1, line 11, to strike out "by the Resettlement Administration in its" and insert "in the"; on page 2, line 1, to strike out "taken on such land" and insert "on such land which was accepted by the Government December 31, 1934"; and to amend the title so as to read: "An act for the relief of Mr. and Mrs. Guy R. Syth."

Mr. WHEELER. I move that the Senate concur in the House amendments.

The motion was agreed to.

GEORGE W. BRECKENRIDGE

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3079) for the relief of George W. Breckenridge, which was, on page 1, lines 6 and 7, to strike out "representing the amount of his claim" and to insert "in full satisfaction of his claim against the United States."

Mr. WHEELER. I move that the Senate concur in the House amendment.

The motion was agreed to.

AUTHORIZATION OF FLOOD-CONTROL PROJECTS

The Senate resumed the consideration of the bill (H. R. 10618) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes.

The PRESIDING OFFICER. The bill is still before the Senate and open to further amendment.

Mr. LEE. Mr. President, on behalf of my colleague [Mr. THOMAS of Oklahoma], I send to the desk an amendment, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. At the proper place in the bill, it is proposed to insert the following:

The Government of the United States acknowledges the right of the States of Oklahoma and Texas to continue to exercise all existing proprietary or other rights of supervision of and jurisdiction over the waters of all tributaries of Red River within their borders above Denison Dam site and above said dam, if and when constructed, in the same manner and to the same extent as is now or may hereafter be provided by the laws of said States, respec-

tively, and all of said laws as they now exist or as same may be hereafter amended or enacted and all rights thereunder, including the rights to impound or authorize the retardation or impounding thereof for flood control above the said Denison Dam and to divert the same for municipal purposes, domestic uses, and for irrigation, power generation, and other beneficial uses, shall be and remain unaffected by or as a result hereof. All such rights are hereby saved and reserved for and to the said States and the people and the municipalities thereof, and the impounding of any such waters for any and all beneficial uses by said States or under their authority may be as freely done after the passage hereof as the same may now be done.

Mr. LEE. Mr. President, the purpose of the amendment which I offer on behalf of my colleague [Mr. THOMAS of Oklahoma] is to protect the water rights upstream. In future times we may want to use some of that water for irrigation or some other purpose. The language was drawn by the legislative counsel after consultation with the Corps of Engineers of the Army.

Mr. COPELAND. Mr. President, I know how eager the Senator from Oklahoma [Mr. LEE] and his colleague [Mr. THOMAS] are to have this amendment adopted. I wish to say frankly to the Senate that, in the opinion of the committee, the laws already protect every idea contained in the amendment. Of course, there is involved a subject which is very close to the heart of the Chief Executive.

I have stated the matter to the Senate. So far as the committee is concerned, it has no objection; but I wish the Senate to be put on notice.

Mr. BARKLEY. What is the amendment which is under consideration?

Mr. LEE. Mr. President, if the Senator will permit me to answer, there is at present considerable worry and concern on the part of the people in my State, at the source of some of the streams, that if the water should ever be used for power purposes downstream, a similar amount could not later be used for other purposes upstream. There is considerable difference of opinion as to whether or not the situation is properly protected.

After discussing the matter with the legal authorities and the Engineering Staff of the Army, this amendment was drawn. It could not possibly do any harm, and would protect the rights which have been referred to.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. McNARY. Was the matter presented to the Senate Committee on Commerce when the bill was under consideration by the committee?

Mr. LEE. I must turn to the chairman of the committee for the answer to that question.

Mr. COPELAND. No; it was not considered.

Mr. McNARY. Was it considered by the House committee?

Mr. COPELAND. I could not answer that question.

Mr. McNARY. What is the view of the chairman?

Mr. COPELAND. The position I take with respect to the amendment is that personally I have no objection to it. I do not think the Senate would have any objection. I call attention to the language in the early part of the amendment:

The Government of the United States acknowledges the right of the States of Oklahoma and Texas to continue to exercise all existing proprietary or other rights of supervision of, and jurisdiction over, the waters of all tributaries of the Red River within their borders above Denison Dam site—

And so forth. Of course, that is a matter which we have not considered. I think perhaps the amendment might go to conference and there be determined. However, there are questions involved which may be far-reaching. I think there would be no objection to the amendment going to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oklahoma [Mr. LEE] on behalf of his colleague [Mr. THOMAS].

The amendment was agreed to.

Mr. LEE. Mr. President, on behalf of my colleague [Mr. THOMAS] I offer another amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 9, after line 10, it is proposed to insert the following:

The Lugert-Altus Flood Control and Reclamation Reservoir, located on the North Fork of the Red River in Oklahoma, is hereby authorized for construction at an estimated cost of \$2,497,000, on the following basis as to a division of the cost of construction:

(a) The Chief of Engineers shall report to the President on or before August 1, 1938, the value of said Lugert Reservoir as a flood-control works, and the value so reported shall be the amount herein authorized to be appropriated as a charge against any funds appropriated and available for the construction of flood-control projects.

(b) The remainder of the estimated cost of such Lugert Reservoir, namely, the estimated total cost of the reservoir, less the amount reported by the Chief of Engineers as the value of said reservoir as a flood-control project, is hereby authorized to be appropriated for the construction of said Lugert Reservoir for reclamation and irrigation as reported in Senate Document No. 153, Seventy-fifth Congress, third session, and as further authorized by the last paragraph on page 37, of Public Act No. 497, Seventy-fifth Congress, third session, providing that the construction of said Lugert Reservoir and Altus reclamation project shall not be undertaken until the Chief of Engineers and the Secretary of the Interior join in an agreement as to the division of cost of the construction of the said reservoir as provided herein.

Mr. COPELAND. Mr. President, I wish to state frankly that we have had no report from the Army engineers on this project. In the second place, it is largely a reclamation project and perhaps belongs in some other bill. This project would considerably increase the cost of the flood-control bill. However, the question is for the Senate to decide.

Mr. VANDENBERG. Mr. President, may I ask the Senator whether there are any other projects in the bill which are not approved by the Board of Engineers for Rivers and Harbors?

Mr. COPELAND. There are no others.

Mr. VANDENBERG. Obviously we should be consistent in adhering to the rule.

Mr. HATCH. Mr. President, I am more or less familiar with this particular project. Although it does not happen to be in my State, it happens to be in a county in Oklahoma where I formerly resided. It also happens that the chief sponsor of the project and the man who has done the most work in bringing it about, Mr. W. C. Austin, of Altus, Okla., is a former law partner of mine. I have had many conferences with him about this particular project and I know its merit and its worth.

As I understand, it is not altogether an irrigation and reclamation project, as the Senator says. It also involves the principles of flood control, which are very necessary for the protection of the State of Oklahoma. The project happens to be in one of the southwestern counties of Oklahoma, which at one time was one of the finest agricultural sections in the State and the chief cotton-producing county of Oklahoma. Due to drought and various disasters the people in that locality have had a great deal of difficulty.

I have talked with Mr. Austin about the project. He is the type of man who would not sponsor it unless it was meritorious in every way. The project has been repeatedly considered by various Departments of the Government, and I understand that the general plan has been approved. I do not know about the Army engineers.

Mr. LEE. Mr. President, the general plan has been approved, and it is a flood-control project. The mere fact that there is a possibility later of irrigation by the present impounding of the water as a flood-control measure should not militate against the project.

I ask the Senate not to reject the amendment simply because there is a possibility of using the water that is impounded to irrigate an area that will, by the payment of water rights, ultimately return something to the Government.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. HATCH. I wish to ask if it is not true that if the Senate rejects this amendment now because it involves the idea of reclamation, could it not just as wisely reject an amendment involving an irrigation project because it would include flood control?

Mr. LEE. That is true.

Mr. HATCH. If it should be disapproved in the one case it would be disapproved in the other?

Mr. LEE. This item, of course, affects Oklahoma only but it does not enlarge, as I understand, the appropriation or the total cost. This is a flood-control bill. I know the situation and I know how much could be accomplished on the Red River by preventing floods nearer to the source, and I also know the possibilities that might develop later by taking some of the water that is impounded and using it for irrigation projects. Therefore, I ask the Senate not to turn down the amendment, because it is not a new project at all; it has been before the Army engineers and has been approved by them and also by the Interior Department.

Mr. VANDENBERG. Mr. President, I should not think that it was at all persuasive against the amendment that it happens to include irrigation or reclamation, but I would think it was completely conclusive if it is not a project approved by the Board of Rivers and Harbors Engineers. The Senator from Oklahoma says it is approved while the chairman of the committee says it is not. Which statement is correct?

Mr. LEE. So far as the Department is concerned, Secretary Ickes told me it was approved from the irrigation and reclamation standpoint. I cannot quote anyone as to it being otherwise approved except my colleague [Mr. THOMAS], who said it was approved by the Army engineers. As to the Board on Flood Control, I cannot speak, but, no doubt, the chairman of the committee is speaking correctly in that regard.

Mr. VANDENBERG. Here are conflicting statements made regarding the status of approval. Let me ask again, is this project approved by the Board of Rivers and Harbors Engineers or is it not?

Mr. COPELAND. Mr. President, this project is not approved by the Board of Engineers. It is a matter that they are working on, but they are a long way off from a final conclusion.

Mr. VANDENBERG. The Commerce Committee has consistently followed a rule—and it is an essential rule—that only approved projects shall be reported. The moment we depart from that rule the bars are down. This is primarily an engineering responsibility. For days I have heard the Board of Rivers and Harbors Engineers eulogized on the floor of the Senate during the past week. This is a place where certainly we should not depart from the only protection we have against a general "pork barrel" bill. I am not asserting that the Senator's amendment falls in that category; I am explicitly not saying that; but I am saying that the moment we depart from the rule which the Commerce Committee follows we are opening "pork barrel" possibilities.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. HATCH. This particular project merely happens to be in an unfortunate class. Although I am not familiar with the details, I can readily see how the Army engineers could not approve it as a flood-control project solely. But the Department of the Interior has approved it as an irrigation and reclamation project. It has no effect as a flood-control measure. It merely happens to be a combination of the two, which makes it a difficult situation. I am inclined to ask, then, if the Senator from New York would not agree to take it to conference and get the opinion of the Army engineers as to the combination of the two purposes—reclamation and flood control together? Viewed from that standpoint, I am inclined to think we might get approval from the Board.

Mr. VANDENBERG. I do not see how the chairman of the committee or any responsible member of the committee

can depart from the rule which we have faithfully and consistently followed, to protect these bills against any projects not officially approved by the Board of Rivers and Harbors Engineers.

Mr. McKELLAR. Mr. President, will the Senator yield? Mr. VANDENBERG. I yield.

Mr. McKELLAR. I have to attend a conference, and I ask the Senator from New York if he will not accept an amendment to the provision in line 6 on page 21 which reads as follows:

Chattanooga, Tenn., and Rossville, Ga.

I wish to have inserted as an amendment a semicolon and the words—

but no recommendation shall be made which will in any way interfere with improvements made or proposed by the Tennessee Valley Authority.

Mr. COPELAND. Mr. President, I am very confident that what the Senator from Tennessee desires will be carried out. However, I have no objection at all to the inclusion of the language he proposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Tennessee.

The amendment was agreed to.

Mr. OVERTON. Mr. President, will the Senator from Michigan yield to me?

Mr. VANDENBERG. I yield the floor to the Senator.

Mr. OVERTON. Mr. President, I wish to say that I am in hearty accord with the statements made by the Senator from Michigan [Mr. VANDENBERG]. It has been absolutely necessary for us to adopt the policy of not undertaking to authorize a project until that project has met with the approval of the Board of Engineers for Rivers and Harbors. The Senate Commerce Committee has adhered to that policy ever since I have been a member of the committee; I do not recall that there has been any exception. It is utterly impossible for Members of the Senate to pass upon the advisability or the economical justification of a project upon the floor of the Senate. In order to determine whether a project is of value as a flood-control measure, it should be submitted first to the judgment of experts, and the chosen and recognized experts upon this question are the Army engineers. If we are to load down upon the floor of the Senate a flood-control bill, after it has been reported, with projects upon the ipse dixit of a Senator, however plausible the argument may be, but yet upon the ex parte statements of a Senator who is in favor of a project, then there will be no end to the projects to be authorized by the Congress of the United States. I think there is only one course to pursue, and that is to adhere to the rule to which we have heretofore adhered, and that is not to authorize projects unless they have met with the approval of the Chief of Engineers.

It has been said that this project includes not only flood control but also reclamation. It was not presented to the Senate Commerce Committee; I do not know anything about its value as a reclamation project, but if it is going into a flood-control bill it certainly must be justified as a flood-control project, and it has not yet been justified as a flood-control project. If it is a reclamation project, it ought, in all probability, to go in some other bill; it ought not to appear in the flood-control bill.

I therefore suggest, Mr. President, that the amendment be not agreed to.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Oklahoma [Mr. LEE].

The amendment was rejected.

Mr. CAPPER. Mr. President, I offer an amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to insert at the proper place in the bill the following:

That from appropriations hereafter made for river and harbor improvements, the Secretary of War is hereby authorized to reimburse the city of Leavenworth, Kans., in the amount of \$36,000 for damages to the city waterworks caused by improvements in the Missouri River.

Mr. CAPPER. Mr. President, pursuant to a resolution from the Rivers and Harbors Committee the Army engineers, local and district, made reports to the Board. The divisional engineer at Kansas City recommended \$36,000. That is the amount provided by the amendment which I have offered.

Mr. HATCH. Mr. President, there is so much disorder I did not hear the amendment. I should like to be assured that the Board of Army Engineers has approved it.

Mr. COPELAND. Mr. President, this amendment has been approved by the Army Engineers. I have no objection to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kansas [Mr. CAPPER].

The amendment was agreed to.

Mr. BARKLEY. Mr. President, I offer an amendment to come in on page 2, after the word "damages," in line 13.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 2, line 13, after the word "damages", it is proposed to insert:

Provided, That lands, easements, and rights-of-way shall include lands on which dams or other flood-control works are located, lands or flowage rights in reservoirs, and highway, railway, and utility relocations.

Mr. BARKLEY. Mr. President, in the House bill there is a provision, which has not been amended by the committee, reading as follows:

That States or political subdivisions shall be granted and reimbursed, from flood-control appropriations by the United States, sums equivalent to 70 percent of the actual expenditures made by them in acquiring lands, easements, and rights-of-way for any dam and reservoir herein authorized or heretofore authorized by the act of June 22, 1936 (Public, No. 738, 74th Cong.), as amended, and by the act of June 15, 1936 (Public, No. 678, 74th Cong.), as amended—

And so forth. In the report made by the Committee on Flood Control in the House, the following statement is made:

Under the act of June 22, 1936, and under all existing local flood-control legislation along the Mississippi River and other rivers in the United States the local interests are required to furnish the lands, easements, and rights-of-way for flood walls and for levees, as well as for reservoirs. The term "lands, easements, and rights-of-way" embraces lands on which dams are located, lands or flowage rights in the reservoirs and highway, railway, and utility relocations.

The amendment which I have offered simply incorporates in the bill itself the language of the House report which attempts to interpret the term "lands, easements, and rights-of-way"; but that interpretation is not at present written into the bill itself.

I have in mind a situation where the Federal Government has appropriated money, not to build a dam, but to dig a ditch in order to divert water from one stream to another to protect cities against floods. The community was required to furnish the rights-of-way; that is, to buy the land over which this flood-protection device was and is being built. As a result of that, there has been made necessary the relocation of highways and streets and the building of bridges which the local community itself is not in a position to undertake.

In the appropriation provided by Congress there are sufficient funds to reimburse the community entirely for the relocation of the highways and streets and the building over the stream of bridges which must be constructed in order to protect the community from the floods which frequently recur there.

I am only seeking now to write into the bill itself the House committee's interpretation of what is meant by "lands, easements, and rights-of-way"; and I think it is only a just consideration.

The Senator from Louisiana [Mr. OVERTON], the Senator from New York [Mr. COPELAND], and other Senators know what my position has been all along on these flood-control problems. I have always believed, and I now believe, that flood control is primarily a national obligation. It ought to be undertaken by the Nation; and especially is that true of rivers whose waters flow in from a number of States, where the surface waters are gathered from a wide area and come down upon a community not by reason of any responsibility of its own. Because of the limitations which are imposed by the constitutions of nearly all the States upon local communities in matters of taxation and bond issues, the result is that some of the most deserving localities, some of the communities which need flood protection the most, are unable to get it because of the requirement that they must furnish the lands, easements, and rights-of-way, and in addition to that undergo the additional expense of building bridges and relocating highways and streets made necessary either by building dams or digging ditches which, according to the Army engineers, are necessary in order to provide flood protection.

I think that in the provision in the House bill for a 70-percent reimbursement of local communities for lands, easements, and rights-of-way, there ought also to be taken into account the relocation of streets, the relocation of bridges, the relocation of utility facilities, and even railroad bridges made necessary by the construction of work inaugurated by the Government; and it seems to me there ought not to be any objection to writing into the bill the interpretation which the House committee themselves have placed upon the language.

Mr. COPELAND. Mr. President, it is the view of the committee that exactly what the Senator from Kentucky wishes to accomplish is already in the law. However, to make it clear, we have no objection to the amendment.

Mr. OVERTON. Mr. President, will the Senator from Kentucky yield? I wish to ask him a question for information.

Mr. BARKLEY. I yield to the Senator from Louisiana.

Mr. OVERTON. Does the Senator's amendment relate to rights-of-way and easements for levee foundations or only to easements for dams and reservoirs?

Mr. BARKLEY. It relates to rights-of-way; and I am going to offer another amendment to the text of the bill which will include in the definition of the bill any flood-control device, whether it is a dam or a levee or a ditch, so that it will be all-inclusive.

Mr. OVERTON. Mr. President, in that connection, I wish to say that we began the flood-control work in the lower Mississippi Valley. The local interests supply at their own cost the rights-of-way for levee foundations; and when a levee is relocated, as it frequently is, the State has to provide for the cost of alteration of the highways resulting from the relocation of the levee. Furthermore, when a levee is set back the Federal Government does not reimburse the property owner for the property which is thrown out between the levee and the river. As a result, the State of Louisiana has expended millions of dollars in relocating its highways where the levee lines have been set back, and thousands upon thousands of acres have been thrown out by relocation of the levee lines, and no reimbursement has been made to the property owners.

The amendment would not have any retroactive effect, as I understand.

Mr. BARKLEY. No; it would not.

Mr. OVERTON. Because of what I have stated, I asked the Senator whether the amendment would apply only to dams and reservoirs or whether it would apply to levees in the future.

Mr. BARKLEY. We all understand the circumstances under which the levee system was inaugurated in the Mississippi Valley by the creation of levee districts, and by the levy of taxes upon the land to be protected from floods, and all that. That has been under way for many years, and it is not now the purpose to go back and re-do all of that which has been done. It seems to me, however, we have

come upon an era when, in the protection of communities from constantly recurring floods, if we are ever to have a completed, synchronized, integrated system of flood-protection in this country, we must take into consideration not only the communities which are financially able to meet the requirements of purchase of easements and lands and rights-of-way and to undergo the expense of reconstruction incident to these flood-control projects, but we must take into consideration the entire situation in the valley of any great stream in the United States.

If we are willing to build flood-control devices only in communities which are financially able to buy lands and rebuild streets and highways and bridges and other things which are of a public nature, we shall never have a completed, integrated system of flood protection in the United States, and it will result in the denial of protection to many of the most deserving communities throughout the country.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BARKLEY. I will yield in a moment.

I have in mind a community of 60,000 persons which, in the Ohio River flood of 1937, was completely inundated. All of the suburban communities were inundated. Property worth hundreds of millions of dollars was destroyed, and all of that; and yet, under the constitutional inhibitions of the State under which the community is incorporated, it cannot go into debt to the extent of another dollar in order to raise the money necessary to buy rights-of-way and easements and rebuild streets and highways and bridges or other things. Yet, unless that sort of community is protected from floods, slight protection can be given to many communities in the same section of the country, because the lack of protection at one place may be equivalent to a lack of protection at another place, although there may be in the community either above or below it some sort of local flood-control device which presumably would protect the immediate community from flood.

I now yield to the Senator from New Mexico.

Mr. HATCH. Mr. President, as the Senator was discussing the question, a situation came to my mind which may not be any contribution at all to what he has in mind, but I know this condition exists in one of the Western States:

The waters of a stream flow down through this particular State without doing any particular damage to the locality where they rise; but they are carried on down into another State, where they join floodwaters, and there take on flood proportions. The site for the dam or reservoir is located within the State where no damage is done. That State would have no reason to pay a vast sum of money for the purchase of a site and other things to protect another State below it.

Mr. BARKLEY. That is true. I thank the Senator for his contribution.

I have in mind another community for which Congress appropriated \$536,000 to protect it from frequent floods, on the Cumberland River, in the State of Kentucky. I refer to the city of Middlesboro, in eastern Kentucky. Congress appropriated \$536,000 to protect that city, and the project was recommended by the engineers after a very careful survey.

Under the law the city was required to purchase the lands, easements, and rights-of-way, which cost about \$60,000, and which it has undertaken to do. In letting the contract for this flood-control work, instead of the contract costing \$536,000, which we appropriated, it has been possible, by letting it to the lowest bidder, to obtain the construction of this flood-control project by a contractor at a little more than \$300,000, which means a saving of something like \$200,000 to the Government. But it develops that in the relocation of the streets, in the building of bridges across the ditch which it is necessary to dig to divert the water from one stream to another, and in the relocation of highways, there will be an expenditure of something like \$90,000 in order to obtain the benefits of the flood-control device. That community exhausted its power, its credit, and its taxing facilities, and its ability to raise money by bond issues, when it bought the

rights-of-way and the easements. It is not in a financial position to pay out an additional \$90,000 in order that it may build bridges and relocate streets and highways.

Out of the \$536,000 which was available, under the amendment which I have offered, the Federal Government could reimburse that community, under the language of the bill, up to 70 percent of the amount necessary to relocate the streets and highways and build the necessary bridges.

Mr. MILLER. Mr. President, I had intended to ask the Senator a question, but he has practically answered what I had in mind in his last statement. The amendment does not interfere at all with the 70-percent contribution.

Mr. BARKLEY. The amendment does not. There is another amendment which I shall offer later, the same amendment the Senate adopted a year or two ago, but which was modified in conference. But this amendment does not affect the 70 percent.

Mr. MILLER. The Senator has reference particularly to the provision in the House report on page 4, I believe, the language found in next to the last paragraph.

Mr. BARKLEY. That is correct.

Mr. MILLER. Referring to local cooperation, where the term "lands, easements, and rights-of-way" is defined.

Mr. BARKLEY. Yes; I am trying to write the interpretation into the statute itself. The Senator from New York has indicated that he has no objection.

Mr. COPELAND. Mr. President, I have since read the amendment, and if the Senator who has quoted from the House report will modify the phraseology of his amendment and use the language in the House report, "lands, easements, and rights-of-way" embraces lands on which dams are located, lands or flowage rights in the reservoirs and highway, railway, and utility relocations," I shall be happy to accept the amendment.

Mr. BARKLEY. What is the difference between that and the amendment I offered?

Mr. COPELAND. The Senator has in the amendment which he offered "lands on which dams or other flood-control works are located."

Mr. BARKLEY. Mr. President, it would simply mean that where a ditch was being dug as a flood-control project instead of a dam being built, it would apply to that. In the case where, in order to protect a city from floods, instead of a dam being constructed, a ditch is dug which diverts the water so that a dam is unnecessary, I do not see why there should be any difference. There are not very many such instances, but there are a few.

Mr. COPELAND. Mr. President, I wish to quote from a letter written by the President of the United States, which I hold in my hand, dated April 28, 1937, addressed to Judge Whittington, chairman of the Flood Control Committee of the House. The President had discussed the matter of flood control in a very comprehensive and wise statement, and then he said:

One other subject remains—the participation of State and local authorities in the cost of any of these projects. It is my belief that, for many reasons, the Federal Government should not be charged with the cost of the land necessary for levees, dams, and reservoirs. This policy was adopted by the Congress last year in connection with the projects in the Connecticut River Valley. In that case—well, no work has yet been started—it is my understanding that the States of Vermont, New Hampshire, Massachusetts, and Connecticut are substantially in agreement in regard to the purchase of the necessary land. It should be made clear, however, that if any electric power results from the erection of dams and reservoirs, the Federal Government alone should have complete authority over the sale of this power.

That is the paragraph to which I wish to call attention. The President states as his conviction that for many reasons the Federal Government should not be charged with the cost of the land necessary for levees, dams, and reservoirs. That was a policy which was laid down last year and 2 years ago in the flood-control bill.

It is the view of the committees of both Houses that so far as lands, easements, and rights-of-way which have to do with flowage rights in connection with reservoirs and high-

way, railway and utility relocations are concerned, this is what we desire to do.

Mr. BARKLEY. Mr. President, in that connection I will say that I agree with the suggestion of the President with reference to the ownership of the title to dams and reservoirs. I think it ought to be in the Federal Government, and an amendment will be offered so as to clear that up.

The Senate will recall that during the consideration of the last Flood Control Act I offered an amendment authorizing the President, whenever he found that any community which needed flood control was unable financially to meet the cost of local contribution, to waive that requirement entirely. The bill went to conference, and that authority was reduced to 50 percent; in other words, it was provided that the President might waive one-half of the cost of local rights-of-way, easements, and so forth. In the bill as it passed the House there is an attempt to waive all of that except 30 percent; in other words, a community may be reimbursed up to 70 percent of the requirement for local contribution.

All I am trying to do in the amendment is to provide that if a project is not a dam or a reservoir, but on the contrary happens to be a ditch which the engineers have recommended as the thing necessary to protect a city from floods the same right shall apply to that as would apply if it were a dam or a reservoir. I myself do not see any injustice in it. It is a Federal project, paid for by the Federal Government, recommended by the engineers, and the only difference is that instead of piling dirt up on top of the ground they are taking it out of the ground in order to afford a new channel for the water to flow by a community so as not to overflow it.

I am afraid that unless the language which I have in my amendment shall be agreed to the provision will not be interpreted to apply to the sort of project I have in mind, which does not happen to be a dam, and does not happen to be a reservoir, of the kind we are discussing when we talk about flood control, which constructions are very large and expensive, and cover much acreage. I hope the Senator from New York will accept the amendment as I have proposed it.

Mr. McNARY. Mr. President, I am not wholly conversant with the substance and purport of the amendment offered by the leader on the Democratic side. I assume, however, from the little knowledge I have of it, that it attempts to exempt States and subdivisions thereof from the payment for rights-of-way and reservoir sites, and to cast the responsibility for payment largely upon the Federal Government.

Mr. BARKLEY. If the Senator will permit me, that is already covered in the measure up to 70 percent, that is, the Government may reimburse any community up to 70 percent, under the bill as it passed the House, for all the things of which I am speaking, lands, easements, and rights-of-way. What I am seeking to do is to provide the same sort of reimbursement to that extent as to any Federal project which does not constitute a dam or a reservoir, but may be a ditch or some other sort of flood-control device recommended by the engineers. I am seeking to make that sort of flood-control construction subject to the same reimbursement that applies to dams and reservoirs.

Mr. McNARY. Mr. President, in view of the explanation of the Senator from Kentucky, I apprehend that what I have in mind is not altogether applicable. I can see that under the bill, as passed by the House and reported by the Commerce Committee, 70 percent of the cost of easements, rights-of-way, reservoirs, and dam sites shall be paid by the Federal Government, and 30 percent by the States, the subdivisions of States, and parties benefited who live in the localities near the dam sites, reservoirs, and so forth.

Mr. President, that is not fair. The difficulty I have is not with respect to the easements for reservoir sites and dam sites and sites for utilities, but concerning the relocation of highways and railroad tracks. That is one of the largest factors embraced in any effort to bring about an

equitable adjustment of the costs between the States, the subdivisions, the people benefited, and the Federal Government.

I recall what was done by the Tennessee Valley Authority. The entire cost of highway relocations, and relocations of towns, and the acquirement of reservoir sites, was paid for by the Tennessee Valley Authority. I have no quarrel with that, because I have always supported the T. V. A. To assure myself of that situation I wrote to the Tennessee Valley Authority a few days before June 4 and received this statement:

The Tennessee Valley Authority makes no provision for charging any of the costs of acquiring lands, easements, and rights-of-way to States, political subdivisions, or individuals, and the Authority has accordingly borne all such costs.

If that is the yardstick, as I knew it to be, and stated heretofore on the floor of the Senate, the same yardstick must apply to other sections of the country if I have my way. I am sure other Senators feel as I do in that respect.

Mr. President, I am willing to observe the general principle that there should be some local contribution, whether it be from a State, a subdivision of a State, or a small community thereof. I am not asking that the cost fall on the Federal Government. I am willing to sustain the principle and policy of contributions, but the heaviest factor I want taken out of the charge against the localities benefited is the cost of reconstruction of highways, and the removal and reconstruction of railroad tracks.

The principle which is embodied in the pending bill, which was fashioned in the House, will be maintained if the locality benefited shall pay for the easements for dam sites, utility sites, and highways. But to throw 30 percent of the whole cost on the people benefited is too large a burden, and does not conform at all to the policy we set forth some years ago in the Tennessee Valley Authority Act. So in the amendment I have proposed, I am leaving the 30 percent of all costs incident to the dam sites and reservoir sites to be paid by the States and subdivisions, but when it comes to relocating or reconstructing a highway or a railroad, I am proposing to cast that liability, that responsibility, and that cost, upon the Federal Government. It can adjust those matters with the States so far as they affect an interstate highway or a railroad track.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. McNARY. I yield.

Mr. MILLER. At what point in the bill does the Senator propose to insert his amendment?

Mr. McNARY. The amendment I shall offer is on page 2, line 13. After the colon I propose to insert:

Provided, That the costs of relocation and reconstruction of highways, railroads, and other utilities located on or traversing lands necessary for the construction of projects authorized by such act of June 22, 1936, as amended, such act of June 15, 1936, as amended, or this act, shall be considered part of the construction costs of such projects and money appropriated under the authority of such acts shall be available for the payment thereof or for reimbursement of States or political subdivisions which have paid such costs.

Mr. MILLER. Mr. President, will the Senator yield further?

Mr. McNARY. I yield.

Mr. MILLER. I heartily approve of the Senator's amendment. I should be willing to go further than that, but I doubt the advisability of doing so at this time. We are making a great deal of progress. As the Senator pointed out, some improvements in this country are being made wholly at the expense of the Government. The reservoirs on the Yazoo River in Mississippi are being constructed entirely at the expense of the Government at this time.

I call the Senator's attention to the fact that the statement made by the House Committee on page 5 of the report, certainly coincides with what the able Senator from Oregon has said.

The PRESIDING OFFICER (Mr. DUFFY in the chair). Will the Senator from Oregon advise the Chair whether he has offered his amendment?

Mr. McNARY. No. Another amendment is pending. In order that I may give parallel consideration to and point out the differences between the amendment offered by the able Senator from Kentucky and my amendment, I am discussing the amendment in its general application. There is a policy involved which affects the legislation at this particular time. I presented this idea to the committee. The Senator from Missouri [Mr. CLARK] and the Senator from Mississippi [Mr. BILBO] did not think I went far enough. The able Senator from New York, the chairman of the committee, was fearful that if the amendment were incorporated in the bill it might bring about a veto.

Mr. President, I am in this attitude. I do not want to ask the Senate to engraft upon the bill an amendment which will assure a veto. I do not want to assume that responsibility. I do not want to impose the amendment on the bill if it is thought that there is a likelihood of anything of that kind happening. But I wish to give the warning that, if the amendment is not agreed to, I shall present a bill which will work out equitably in all the sections of the country; the Tennessee Valley, the valley of the Arkansas, the valley of the Columbia, the Willamette Valley, the Red River Valley, and wherever flood-control projects are located.

I want a principle of general application, and if the amendment should not be written into the pending bill, then at some future time, at as early a date as possible, I intend to present a bill embodying a rule of general application throughout the country. No one will contend that it is fair that we should have one rule in the Tennessee Valley and another rule applying generally throughout the country.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. McNARY. I yield.

Mr. JOHNSON of Colorado. In case the amendment the Senator is discussing shall be defeated, will the legislation he has in mind be more or less retroactive in its application to projects which have been undertaken under a different program or under a different policy?

Mr. McNARY. I can see no legal difficulty involved in that suggestion.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. McNARY. I yield.

Mr. BARKLEY. The bill we are considering now not only applies to new projects which will be considered under it, but it applies also to those which have already been begun or inaugurated, or for which surveys have been made under both acts of 1936. It would be retroactive to that extent.

Mr. McNARY. Mr. President, I call attention to a condition with which I am familiar. In the far-off State of Oregon, in the upper reaches of the Willamette Valley, there is a narrow defile through which run a highway and a transcontinental railroad which connect two valleys. To control the upper reaches of the river it would be necessary to relocate that highway and the railroad. If 30 percent of that burden should be cast upon the settlers, the people living in the cities and the farmers living in the section affected, that development work could never proceed, and that river for all time would run wild to the ocean, destroying from year to year in its highest flood stages property and human lives.

I say it is extremely unfair that a bill should contain provisions having application to a particular project which will result in depriving the people of the country of the advantages of legislation which should be national in character, so far as the general principle involved is concerned. It is unfair that in some sections a great portion of the burden should be cast upon a small number of people, whereas in other sections the Government should take up the entire burden.

I have not made up my mind what I shall do, but I am very clear as to what should be done, even if it is not done in the pending bill. As I stated a moment ago, and I shall restate, I do not want to bring the matter before the Senate and write it into the pending measure, if it will challenge a Presidential veto, or offend the able chairman of the com-

mittee or the committee members. If that should result, I would regret my intrusion. But I shall, at some time, if it is thought best, attempt to write and present to the Senate an outline of principle which will be a guide in all legislation of universal application to the country.

Mr. BARKLEY. Mr. President, as I understand the Senator's amendment, it does not affect the present provision of the bill relating to the 70 percent reimbursement for the actual outright purchase of lands, easements, and rights-of-way.

Mr. McNARY. That is correct.

Mr. BARKLEY. But it does provide for complete reimbursement for the reconstruction of bridges, relocation of highways, and other things made necessary by the flood-control device, whatever it is.

Mr. McNARY. Exactly.

Mr. BARKLEY. I am very much in sympathy with the Senator's amendment, and I should vote for it if it were offered. I have no authority to predict whether or not it would result in a veto. I do not know. I have not discussed the matter with the President. I do know that he feels, as we all do, that there ought to be some local contribution to the purchase of the actual property over which the flood-control device is to be constructed; and yet I have taken the position, as the Senator knows, that many communities in the country, which are a part of the system as a whole, are not financially able to contribute. I think the President ought to be given the right completely to waive the requirement with respect to such communities as he finds cannot meet it, in order to have a completed system of flood control in any river valley in the United States. However, that has nothing to do with the question under discussion.

Mr. McNARY. I appreciate the gracious attitude of the Senator.

Mr. GUFFEY. Mr. President, I am entirely in sympathy with the objects and aims of the amendment offered by the Senator from Oregon [Mr. McNARY]. I hope he will offer it. If it is offered, I shall take great pleasure in voting for it. It would meet the situation in Pennsylvania, where we have had great difficulty in connection with a joint dam which we tried to build between New York and Pennsylvania.

Mr. BARKLEY. If the Senator from Oregon will yield further, I will say that his amendment is not in conflict with mine. His amendment goes even further. What I am seeking to do is to include reimbursement to communities which have bought lands, easements, and rights-of-way for the construction of some sort of flood-control device other than a dam or reservoir. I think there should be equality of treatment in both instances.

Mr. McNARY. Does the Senator believe that the amendment which I have just discussed, but have not offered, is comprehended within his amendment?

Mr. BARKLEY. It is, to the extent of 70 percent.

Mr. McNARY. However, in the matter of relocation of highways, the Senator's amendment does not go so far as mine.

Mr. BARKLEY. It does not go so far. The amendment of the Senator authorizes complete payment for such things by the Federal Government, whereas the amendment I have offered provides for reimbursement up to 70 percent, according to the terms of the bill.

Mr. McADOO. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. McADOO. I ask the Senator from Kentucky whether his amendment, which I have not seen, and have not been able to read, provides for a situation in which a stream is deflected from its normal course and crosses a highway, so that it is necessary to place in the highway a bridge over the stream. Does the Senator's amendment cover the cost of erecting such a bridge?

Mr. BARKLEY. Yes; it covers that precise situation. It does so by providing that 70 percent of the cost may be reimbursed to the community which has already bought the right-of-way at its own expense.

For example, if a railroad crosses a ditch, the railroad itself ought not to be required to rebuild its bridge. The flood-control project may be of no benefit at all to the railroad. The community may not be in a position to rebuild the bridge. My amendment provides that there shall be reimbursement up to 70 percent of such extraordinary costs beyond the purchase of rights-of-way, lands, and easements, which are made necessary by the project which is undertaken by the Government.

Mr. McADOO. It is clear to me that that is the just and proper thing to do. However, the reimbursement goes only to the extent of 70 percent.

Mr. BARKLEY. That is true.

Mr. McADOO. If a community is required to furnish rights-of-way and easements, and does furnish the rights-of-way and easements necessary for diversions, or for any other use to which they may be put as a part of the flood-control system, is the community required, under the provisions of the bill, to clear the land? If there are old buildings or other impediments on the lands, is the community required to remove them or to clear the right-of-way? Is not that a necessary part of the flood-control construction? If not, does not the Senator think it should be?

Mr. BARKLEY. When the Government goes into a rural section and takes timberland, let us say, which may not be in cultivation, and may not even be occupied by any population to speak of, and over a wide stretch of land creates a reservoir for flood-control purposes below the reservoir and below the river at that point, I think certainly there ought not to be any local contribution. There could not be any local contribution. How could we compel a farmer 20 miles from any community or from any flood that ever occurred to contribute in order to build a reservoir on land adjacent to his to protect people 50, 75, or 100 miles down the river?

Mr. McADOO. Of course, we could not do so.

Mr. BARKLEY. I do not think it is the spirit of the bill to require local contributions for vast reservoirs which are constructed as a part of a national policy in order to hold back the floodwaters of a river for a season for the purpose of protecting people far beyond the confines of the reservoir itself.

Mr. McADOO. I understand that; but I do not think the Senator caught the point of my inquiry. Perhaps I did not clearly express it. If an easement is provided for the necessary rights-of-way and there are obstructions on the land which is the subject of the easement which must be removed before the ditch can be dug to divert the water from the stream—using that merely as an illustration—do the provisions of the bill require the communities which furnish the easements and rights-of-way to clear the rights-of-way of such obstructions?

Mr. BARKLEY. I do not think so.

Mr. COPELAND. If the Senator will permit me, as a part of the construction cost the Federal Government would cut down trees, tear down barns, and clear the land. There would be no charge upon the community.

Mr. SHIPSTEAD. Mr. President, what was the concluding sentence of the Senator's statement?

Mr. COPELAND. In reply to the question of the Senator from California [Mr. McADOO], who wanted to know whether the cost of clearing land, cutting down forests, and removing old buildings would be a charge on the locality, the answer is that it would not be. That is part of the construction cost.

Mr. McNARY. In preparing the amendment, which I have had printed, but have not yet offered, I tried to preserve inviolate the principle and policy that there should be local contribution, which I think is the essence of the letter of the President, with the modification only that so far as highways and railroads are relocated, that cost should be a charge upon the Government.

When we deal with a highway or a railroad, we have a different problem than we have when we deal with a man's

farm or a forested area, as suggested by the Senator from Kentucky [Mr. BARKLEY]. Highways are interstate in character. They are supported in part by the Government. They are constructed to meet the specifications of highway engineers and the needs of the public generally. If an effort is being made, with the aid of the Government, to impound the waters of the rivers to provide flood control, to protect the people from floods, and to aid in navigation, there should be some effort upon the part of the Federal Government to pay the costs of changing great highways of commerce, which to a very large extent carry interstate commerce. That cost should not fall on the communities.

Mr. President, I now make the prediction that if the charge for reconstructing highways and railroads, which in large part do an interstate business, is to fall upon the localities benefited, this bill will not amount to a hill of beans so far as the actual protection of the public from the angry rivers of the country is concerned.

We must meet the issue. The Tennessee Valley Authority met the issue in the Tennessee Valley, and in no case have the people or the State benefited been charged for any of these factors.

I am in accord with that principle. I want that principle extended to every locality in the country. However, in order to preserve the principle of local contribution, I am willing that contributions be exacted from the public so far as sites for reservoirs and easements generally are concerned. I am only asking a modification to cover the two elements which I have discussed.

I have not offered my amendment. I have made this statement in order to ascertain from the Senator from Kentucky [Mr. BARKLEY] whether my amendment is included within his own. In addition, I desire to obtain a statement of policy from the able chairman of the committee, the Senator from New York [Mr. COPELAND]. I do not want to have it said that I offered an amendment which defeated the bill, even though I think it is a very meritorious amendment. I can accomplish my purpose subsequently, if necessary. However, if my amendment meets with the approval of the President, the committee, and the chairman of the committee, I should like to see it written into the bill.

I always expect, and always receive, a frank answer from the able Senator from New York.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. McNARY. I yield the floor.

Mr. COPELAND. A little while ago the very able and always kindly Senator from Oregon said that he would not do anything which would offend the chairman of the committee or the committee. I can conceive of no undertaking in which the Senator from Oregon would voluntarily take part which could possibly be offensive—certainly not to me. However, frankness compels me to say that the Senator from Oregon offered his amendment in the committee as an addition to the pending bill. It received the consideration of the committee and was defeated. I do not remember the vote, but I think it was 9 to 5. So it was not approved by the committee.

Mr. President, as to the other question suggested by the Senator as to whether or not it would bring a veto, I suppose that no Member of the Senate is better qualified to know what the President would do than is the Senator speaking; the President, of course, would consult me about it, but all I know is what the President has said. I read to the Senate the language of the President:

It is my belief that, for many reasons, the Federal Government should not be charged with the cost of the land necessary for levees, dams, and reservoirs.

Mr. McNARY. Mr. President, my attention was distracted for a moment. May I ask the Senator to repeat his statement?

Mr. COPELAND. The President in his letter said to Judge Whittington—I will read it again—after discussing a general subject, then said:

One other subject remains—the participation of State and local authorities in the cost of any of these projects. It is my belief—

The President says—

that, for many reasons, the Federal Government should not be charged with the cost of the land necessary for levees, dams, and reservoirs.

I have understood from rather authoritative sources if the Congress should determine to place 100 percent of the cost of the construction of these works upon the Federal Government that the bill would bring a veto. I am not speaking authoritatively, but I am reciting to the Senate the statement made to me by a Member of the House of Representatives who was very active in connection with the bill.

Mr. LOGAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Kentucky?

Mr. COPELAND. I yield.

Mr. LOGAN. I merely wish to suggest that, so far as most of us are concerned, the bill had just as well be vetoed as not to have in it the provision to which the Senator objects.

Mr. COPELAND. I have not fully expressed my own view about the pending question. Perhaps the Senator will be better pleased with my remarks after he hears my completed statement. I utterly disapprove of the amendment offered by the senior Senator from Kentucky [Mr. BARKLEY] in the form in which he offers it. Personally, I would have no objection to placing upon the Government—and I think that is what the bill does—the cost for lands on which dams are to be located and "lands or flowage rights in reservoirs, and highway, railway, and utility relocations." If we are to take an amendment to conference on this subject, I say, with all respect to my beloved leader, that I would prefer the language offered by the Senator from Oregon [Mr. McNARY]. I think, in some degree, at least, it covers what the Senator from Kentucky wants—

That the costs of relocation and reconstruction of highways railroads, and other utilities located on or traversing lands necessary for the construction of projects * * * shall be considered part of the construction costs of such projects.

To do that would cost \$20,000,000. I suppose such a sum as \$20,000,000 in these days does not mean much. It seems to be a great deal in my personal life, but does not seem much when it comes to Government expenditures. But I think it is a wrong policy. It is a new policy. It has not been considered by any committee of the Congress. It has never been studied with a view to recommendation. It makes a great change in our national policy.

On the lower Mississippi are miles of levees built by persons ill able to make the contribution. If we are now to enter upon a new policy and to assume all the cost—100 percent of the cost—of flood-control projects, what can we say to the people down there? They could very justly come to us and say, "Well, we spent millions of dollars to acquire land, and so forth; we should have our money back."

I know how embarrassing it is, how trying it is, and how almost impossible it is—indeed, the junior Senator from Kentucky said it was utterly impossible—for localities in certain sections of the country to bear the cost.

The senior Senator from Kentucky last year offered an amendment—I have forgotten whether it was to the flood-control bill or to the relief bill.

Mr. BARKLEY. It was to the flood-control measure.

Mr. COPELAND. And it provided, as I recall, in the event it was found that a community could not contribute funds that the money might be taken out of the relief appropriation. Was that it?

Mr. BARKLEY. No; but that the President might waive the requirement for local contributions, and the amount would be taken out of the appropriations for flood control.

Mr. COPELAND. What was the ultimate fate of that amendment?

Mr. BARKLEY. The ultimate fate of it was that in conference the President was authorized to waive 50 percent of the local contribution instead of all of it. The President has exercised that authority in one or two places by waiving 40 percent of the cost of local land easements and rights-of-

way; but I do not think in any case he waived it up to the 50 percent.

Mr. COPELAND. I know—and candor compels me to say—that there can be no complete system of flood control in this country until we have a unified, a universal system. That is particularly true of the Ohio River Valley and the Mississippi River Valley. It would be a futile omission to leave out any part. But I can only express to the Senate what I believe to be a well-founded fear that if a hundred percent of the cost of these projects were placed upon the Federal Government, the bill would be vetoed. Perhaps that ought not to be a consideration with us; perhaps we should exercise our own best judgment; but I have tried to answer the Senator from Oregon that, in my opinion, it would bring a veto. However, he can speak much more authoritatively as to that than can I.

Mr. BARKLEY. Mr. President, just a word. I do not wish to detain the Senate. The Senator from New York says he is willing to accept the amendment I have offered if it is limited to dams and reservoirs. In other words, he is willing to accept an amendment and provide for a 70-percent reimbursement for the relocation of highways and utilities and bridges made necessary by the construction of a dam. But, of course, a bridge would not be necessary if a dam were built; it would not be necessary if a reservoir were built. Nobody would build a bridge across a reservoir of any size. All my amendment does is to seek to provide that the Government shall reimburse the community up to 70 percent if the development happens to be a ditch instead of a dam and will require the relocation of a street or highway or the building of a bridge. It seems to me there is no difference in principle.

I have no authority, of course, to say what the President would do about it; but it is inconceivable to me that the President would veto a bill simply because it provided that if a ditch happens to be constructed instead of a dam, and a bridge is necessary over a highway, or a street, or a railroad, out of the appropriation for the construction of the project itself such necessary costs may be paid up to the extent of 70 percent. I repeat, there is no difference in principle; and it seems to me to be a rather rank discrimination to say to a community, "If you can be protected from flood by a dam, we will reimburse you for all the expense up to 70 percent; but if a ditch is constructed instead of a dam, we will not do anything about it." The chances are that the expenses made necessary by the construction of a ditch on account of highway bridges and the relocation of streets would be greater than in the case of a dam. A road may be built over a dam and the other side reached, but a ditch cannot be crossed without a bridge.

Mr. NORRIS. That depends on the size of the ditch.

Mr. BARKLEY. If it were large enough to protect from flood, of course, a bridge would be necessary. One could jump across a very small ditch, but one could not jump across one large enough to protect a city of ten or fifteen thousand people from flood.

Mr. NORRIS. Mr. President, I have not read or heard read the amendment offered by the Senator from Kentucky [Mr. BARKLEY], which is now pending. I was out of the Chamber when it was offered; but I am moved to take the floor to say a few words about the general subject which is under discussion.

I think a very important principle is involved. I am not thinking of this amendment. I am thinking of any amendment which may be offered, or any principle which may be put into law or attempted to be put into law by Congress, in the enactment of this bill or any other bill. Whether the Government of the United States should bear all the expense or only a portion of it is a question of considerable importance.

Speaking in a general way, and admitting that there may be exceptions to the rule, I think the principle may be safely and logically laid down that any expenditure made necessary by building a dam for flood control which has a direct

legal relation to it ought to be borne 100 percent by the Government of the United States. The idea of asking a community where a reservoir, for instance, is located to make a contribution for the purchase of the land which is going to be overflowed, it seems to me, is not only illogical but preposterous and, in the ultimate end, impossible.

A reservoir is constructed to hold back floodwaters which, if not held back, would do damage farther down—perhaps 5 miles, perhaps 10 miles, perhaps a thousand miles farther down. In theory, the people who are going to be benefited by it are all the people below the reservoir to the mouth of the stream, or until the water reaches the Atlantic Ocean or the Pacific Ocean or the Gulf of Mexico. It is impossible to find out who they are, impossible to differentiate between them, impossible to allocate the benefit.

Flood control is a national problem. It belongs to the Nation, just as the cost of building levees and dikes along the lower Mississippi is a matter which belonged to the Nation; and yet the water which caused the damage and made the levees and dikes necessary or advisable may have come a thousand miles down the Mississippi River or down the Missouri River from the Rocky Mountains, and part of it down the Ohio River from the Allegheny Mountains.

It is a national problem. I think there is no other way to solve it. The people living in the immediate vicinity of the reservoir where the floodwaters are held back have no interest in the reservoir. They have no property there which is going to be damaged. They would not be injured a cent's worth by the nonbuilding of the dam which created the reservoir. Even though they owned the land on which the dam was located, they probably would be in no danger of a flood. They might even be distant from the river. That condition exists all over the country.

I can conceive of a condition in which a local community would have to protect itself, whether or not a dam were built, by building a levee or a dike. Very seldom, however, I think, could such a possibility exist.

The Senator from Oregon [Mr. McNARY] referred with approval to the method pursued by the Tennessee Valley Authority, and that is a good example. In the development of the Tennessee River—which, I think, stands out as the most scientific development of any stream in the United States—there has never been, so far as I know, a single instance in which a local community was asked to contribute any part of the cost of construction of a dam; and the communities should not be asked to do so. I think that act is based on the right principle. Senators who have always voted against the development of the Tennessee River, who have always opposed it for one reason or another, who have often stood like a solid phalanx against anything that could be done in the development of the Tennessee River by the T. V. A., now can realize that the principle embodied in that act and carried out by that Authority ought to apply to the whole United States. If that were done, we should not have the present difficulty.

Mr. President, there is not any possibility of Congress controlling the floods of the various streams of the United States and making the local communities pay any material part of the expense. They will not do it. They cannot do it. In all the cases about which I know, it is not right that they should do it. Often they would be bankrupted if we should require them to do it; and I believe that under the Constitution any law we might pass requiring them to do it would be held unconstitutional by the Supreme Court, and very properly so.

I know that I was called upon to attend a conference, at which there were present Army engineers and others, in regard to a certain reservoir in the West; and the statement was made to the people in that locality, "You cannot have this reservoir unless you at least pay for the land which will be covered by water if the dam is built"; yet not a single property owner would sustain one cent's worth of damage if the reservoir was not built. They were out of the zone of damage. They never had been damaged by a flood in that vicinity;

yet the people for more than 200 miles down the stream proper, and then a long distance down the Missouri, and then a long distance down the Mississippi, would be benefited by the holding back of every gallon held back by the dam, making that much less the floods which came to the part of the valley where they lived.

When we build a reservoir like the Fort Peck Reservoir on the Missouri River up in Montana, would it be possible to say who is going to be benefited from Fort Peck clear down to New Orleans? Senators, it is foolish to think we could collect the benefits, and yet the construction of that reservoir is a very material benefit to all those people. Standing alone, it would not be enough to save them from damage, but if the same thing were done on the Ohio River and on some of the streams in Arkansas and Missouri the damage would be greatly alleviated. If all the streams that flow into the Mississippi were thus regulated by high dams the height of the Mississippi River would be almost the same the year around.

It is impossible to say just who will be benefited by the construction of the Fort Peck Dam. We know that as a national matter it will save a large part of the Nation millions of dollars in damage that otherwise would be suffered. If on each of the streams that converge into the great Mississippi River between the Alleghenies and the Rockies we should perform the same operation that is being performed today on the Tennessee River we should not have any damage at New Orleans. We should have a stream that would be normal the year around. It would be higher in time of low water and lower in time of high water than it now is; and the same thing would be true, in a degree at least, of all the streams that flow into the Mississippi. It is only when the streams are in high water, as a result of heavy rains in the Rocky Mountains and the Allegheny Mountains, when the waters happen to come together in the Mississippi River, that uncontrollable floods result. We have spent hundreds of millions of dollars to build dikes and to clean out the bed of the Mississippi River, all to no end.

We are now engaged, and this bill undertakes, to some extent, to provide for the Government engaging, in the building of dams on tributaries of the great Mississippi River which shall hold back floods and let them out moderately at a time when the waters will do no damage. That is a national undertaking. It is going to cost hundreds of millions of dollars. I regret that it will cost so much, but I know of no way of avoiding it. We cannot charge up a part to a man living on the Mississippi, another part to a man living on the Tennessee, and another part to a man living in the vicinity where a reservoir is being built. We cannot do that. It is impossible, in the first place; it is unjust, in the second place. We cannot allocate the damages.

I think Senators and, indeed, the country, ought to realize that the great question of flood control will never be properly solved until we approach it scientifically. When we develop a river, as was provided by the Tennessee Valley Act in the case of the Tennessee River, we should develop it as a whole and build all the dams in reference to all other dams. Where we are going to build a reservoir we must build a dam at the opening of the reservoir. God made the reservoir just as He sends the rain. We cannot provide reservoirs everywhere. When we get lower down on some of the streams we cannot have any reservoirs, and we have to take care of the floods farther up.

We provided in the Tennessee Valley Act for the development of one river in the United States—just one—in a scientific way. All we have to do is to develop every other river in the same way. We would have them greatly developed, we would have had the Tennessee River developed much further than it is developed at this time, if it had not been for one selfish interest—just one—namely, power. In the proper development of these streams we will often find, though not always, that the higher dams, built at the mouths of the reservoirs, will also generate electricity. Instead of being sorry for that, we ought to rejoice in it, because it will bring electricity into the homes of America at a price lower than has ever been had before. We ought to be glad that

in the development of any river on a scientific basis some power will be developed.

In connection with the bill now before us, providing for flood control, we have heard the leader very properly call attention to the Tennessee Valley Act as a model which we ought to follow.

Mr. President, Senators have been talking about a possible veto. I will tell them what may bring on a veto, if one is coming. I do not anticipate that there will be a veto, but if there shall be a veto it will not be in connection with the question we are now discussing; it will be because when the bill reaches the President it will contain stipulations and provisions which will prevent development for the benefit of the people of the power which may come from the development of the proposed dams, prevent the proper handling of erosion which occurs away back on the farms and in the communities, and prevent the proper control of little streams, the proper control of reforestation where that can be handled; or the bill will be vetoed for the reason that it will attempt to turn over to the Corps of Engineers of the United States Army the entire planning, investigation, and development of this problem of natural resources and their preservation.

I am going to take the time of the Senate, although it may be tedious, to read a joint resolution which Congress passed which brought forth a veto, and Senators can judge for themselves what kind of legislative action may bring another one.

On August 2, 1937, Senate Joint Resolution 57 was passed. It passed the Senate and the House and was sent to the President and was vetoed. If Senators are interested in the talk about a veto, let them hear me now, as I read the text of the joint resolution which did meet a veto. This is the language:

That the Secretary of War is authorized and directed to submit to Congress with reasonable expedition a full report or a series of reports embodying a comprehensive national program and plan for the control of floods of all the major rivers of the United States and its Territories and their principal tributaries.

That is the text of the joint resolution. We said in Congress that the Secretary of War should report and plan.

The Chief of Army Engineers, under the direction of the Secretary of War, is authorized and directed to conduct necessary surveys, assemble information, and prepare such a comprehensive plan, which shall include provisions for the construction of levees, spillways, diversion channels, channel rectification, reservoirs, and all works necessary for an effective and adequate system of flood control for all such rivers. Such plan and the report or reports to Congress shall list specific projects and set forth estimates of cost (including the expense of acquiring land and easements and payments of property damage) of carrying out the projects, and shall set forth the values of such projects for hydroelectric development and other conservation purposes. And the appropriate bureaus of the Department of Agriculture, under the direction of the Secretary of Agriculture, be, and they are hereby, authorized and directed to cause a preliminary examination, survey, and report or reports, to be made for run-off and water-flow retardation and soil-erosion prevention on the watersheds of said watersheds, with a view to controlling said floods, in accordance with the provisions of the Flood Control Act approved June 22, 1936. Such plan and report or reports shall take into consideration flood-control projects now under construction or heretofore authorized by acts of Congress, and shall include provisions for the construction of levees, spillways, diversion channels, channel rectification, reservoirs, and utilization of water resources through the building of power dams or a combination of power, reclamation, conservation, and flood-control dams, and all works necessary for an effective soil and water conservation for all such rivers and their watersheds. Any plans or reports which include or recommend projects for reclamation shall be prepared in conjunction with the Department of the Interior.

SEC. 2. There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this resolution, to be paid from appropriations heretofore or hereafter made for such purposes.

Mr. President, that was the joint resolution we passed.

Mr. COPELAND. What was the date?

Mr. NORRIS. August 2, 1937.

Mr. COPELAND. Has the Senator the veto message?

Mr. NORRIS. I intend to read it now. President Roosevelt's veto message on Senate Joint Resolution 57, dated August 13, 1937, is as follows:

To the Senate:

I return herewith, without my approval, Senate Joint Resolution No. 57, entitled "Joint resolution to authorize the submission to Congress of a comprehensive national plan for the prevention and control of floods of all the major rivers of the United States, development of hydroelectric-power resources, water and soil conservation, and for other purposes."

In my message of June 3, 1937, I proposed for the consideration of Congress a thoroughly democratic process of national planning of the conservation and utilization of the water, and related land, resources of our country. I expressed the belief that such a process of national planning should start at the bottom through the initiation of planning work in the State and local units, and that it should contemplate the formulation of programs on a regional basis, the integration of fiscal and conservation policies on a national basis, and the submission of a comprehensive development program to the Congress by the President.

The reverse of such a process of national planning is prescribed in Senate Joint Resolution No. 57. By this resolution the War Department would become the national planning agency, not alone for flood control but for all the other multiple uses of water. Although the Department of Agriculture would prepare reports on run-off retardation and soil-erosion prevention, and the Department of the Interior be consulted on reclamation projects, the War Department would report for these coordinate agencies directly to Congress, instead of to the Chief Executive. The local and regional basis of planning would be ignored, and there would be no review of the whole program prior to its presentation to Congress from the standpoints of national budgetary considerations and national conservation policies.

The Corps of Army Engineers has had wide experience in the building of flood-control projects and has executed the projects entrusted to it with great skill and ability. Its experience and background is not alone sufficient, however, for the planning of a comprehensive program for the development of the vast water and related resources of the Nation.

The planning of the use and control of water and related resources is distributed by law among numerous governmental agencies, such as the Departments of Agriculture and Interior, the Federal Power Commission, the United States Public Health Service, the International Boundary Commission, and the Tennessee Valley Authority. The joint resolution encroaches upon the functions of these agencies, and ignores and duplicates the coordinated planning work already in progress under the general guidance of the National Resources Committee.

I find it impossible to subscribe, therefore, to the proposal that has been embodied in this joint resolution.

Mr. President, if the pending bill shall be enacted into law, and if it shall be vetoed, the veto will come, in my opinion, because of the refusal of Congress to place in the bill amendments which will make it possible to preserve, in the way the President has outlined, the natural resources of the United States, and not turn them all over to the Corps of Army Engineers, able and competent though they may be. It would be for that reason that the bill would be vetoed, if it should be vetoed. I think it is well for us to consider this matter, not particularly because we are afraid of a Presidential veto, and are trying to guard against it, although I confess that is a proper matter for consideration, but because, in my judgment, it is right that the plan which, for instance, is approved by the leader on the Republican side, and which is embodied in the Tennessee Valley Authority Act, should be followed with respect to legislation dealing with projects all over the Nation. I believe we should include in the pending bill some of the principles which we previously announced in the Tennessee Valley Authority Act. That act is working to perfection so far as I can see, and is now commended in the Senate by some who have always heretofore opposed it, and have tried to defeat some of its objects.

Certain amendments are going to be proposed by various Senators. The Senator from Kentucky [Mr. BARKLEY] and the Senator from Alabama [Mr. HILL], who sits at my right, and other Senators, will present amendments, the effect of which, as I understand, will be to make it impossible for us to go so far in the pending legislation as to nullify the act which we have passed before, and to repeat the mistake we made when we passed Senate Joint Resolution 57.

If we make that same mistake again, then, in my judgment, the President, if he takes the same stand he previously took, would be justified in vetoing the bill. That is the only fear I have in respect to the pending bill. It can be amended. The Senator from Kentucky is going to offer certain amendments, and other Senators are going to offer

amendments which will perfect the bill, and, in my judgment, protect us against the possibility of a Presidential veto.

Mr. COPELAND. Mr. President—

The PRESIDING OFFICER (Mr. BERRY in the chair). Does the Senator from Nebraska yield to the Senator from New York?

Mr. NORRIS. I yield.

Mr. COPELAND. Does the Senator think that on the floor of the Senate we could consider and adopt amendments in order that the bill could be so formulated as to receive the approval of the President?

Mr. NORRIS. I am not sure but that the President would approve it just as it is. I am not authorized to speak for the President; I have not talked with him about it; I have not heard from him about it; but I have read the joint resolution previously passed, and the veto message on it. The joint resolution established the policy of turning over everything to the War Department. There is a great deal of the same kind of doctrine in the pending bill. I am opposed to it, not because I am afraid of a presidential veto, or care anything about a veto. That is something in respect to which the President can do as he pleases. In my opinion, however, we would make a mistake if we should put anything in the pending bill which would make it impossible in the future for us to carry out the principles established by law in the Tennessee Valley Authority Act.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. COPELAND. Of course, I realize, from what the Senator says, that he cannot speak for the President, and I am quite sure I cannot; but if I understand the veto message, and having some knowledge of the President's ambition regarding the National Resources Board, I am not confident that we could go far enough in the pending legislation to meet the objections expressed in the veto message. I want the Senator to know, as he probably does, that personally I believe in the National Resources Board. I do not think I helped its cause any, and I do not think I hurt it any, by urging that the amount of money allocated to it in the relief bill be increased from \$250,000 to \$750,000. I think there should be a great planning board. I think one of the mistakes our country makes is that it does not, as a thrifty man does in his business, make plans for the future.

Even though we do not adopt the amendments which the Senator has in mind, I cannot see that there is anything in the bill which would stand in the way of the ultimate ideal in the Senator's mind, and an ideal which I have in my mind. Every one of these dams and reservoirs constructed, where there is a possibility of power development, is to be provided with a pen stock. In many instances these reservoirs and dams, in order to be valuable as agencies of power development, would have to be built higher. I can see nothing in the bill which would interfere with the ultimate perfection of the thought which the Senator has.

Mr. NORRIS. Will the Senator pause at that point to let me comment on his remarks?

Mr. COPELAND. Certainly.

Mr. NORRIS. The Senator very properly says that he can see that some of these dams for flood control and power ought to be built higher, and that pen stocks are going to be put in them so that in the future that may be done. I may have something to say about that when amendments are offered by other Senators, but at this time I do not want to be led into a discussion of matters which may be offered later.

The comment which the Senator from New York just made is a very proper one. What I am saying is in no sense a criticism of what may be done, but is a criticism of the pending bill. If in the construction of a dam, for instance, the question should arise, "Will water power be provided by this dam or will it not?" there may be doubt in the minds of scientific men. If we are to provide for the production of water power in a flood-control dam we will have to make the

dam a little higher, so as to make it efficient both for flood control and power. Someone may say, "Let us not do it now. Let it be for the future. Let the Corps of Army Engineers decide whether or not they will do it now. Let them decide in the case of a given dam whether they will put in pen stocks, or whether they will actually install the water-power facilities."

I do not believe we ought to leave that question to the Corps of Engineers. They can construct the dam in either way. If it is to be 200 feet high they will have to have a different foundation for it than if it were only to be 100 feet high. Hence they ought to know before they begin the construction of the dam whether they are to build it to its greatest height, or whether they are going to leave that matter for future decision.

Instead of putting in a pen stock, if it has been decided by the proper authorities that power should be installed at once, then we want power installed at once. We will cheapen the project in each instance if we decide what shall be done to begin with.

My objection to the bill, in a general way, is that it does not decide that question. It leaves it to the Secretary of War. As the President says in his message, in his judgment that is not the proper place to lodge the authority. In my judgment it is not the proper place, and I do not believe in the mind of any Senator it is the proper place to lodge the authority for planning and deciding whether a dam shall be 100 feet high or 200 feet high. If we now build a dam 100 feet high, and make the foundation accordingly, we cannot go back a year from now, after the dam shall have been finished, and construct it 100 feet higher, if the reservoir and the abutments are such as to permit it, without enormous expense in going down to the foundation and making a broader and perhaps deeper foundation than we had already made. In such an instance we should be taking action which would make it impossible, because of the original mistake, for us to bring about the full culmination of the proper protection of the resources of the country.

I think the decision in such matters ought not to be left to the engineers. It might be left to the Federal Power Commission, whose business it is to study the question, and who now know, from studies which have already been made, what is proper, and whether or not power ought to be developed, or whether there is only a possibility that power may be developed in the dim future, in which event they would do as the Senator says—put in a penstock and wait for time to determine whether or not they ought to make a further improvement.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. COPELAND. I thought I was correct in my recollection, and I have just refreshed it. As a matter of fact, in building all such dams and reservoirs the Army engineers consult with the Federal Power Commission, the Reclamation Service, and other agencies of the Government, to determine what other uses than flood control can be made of the completed project. In every instance in which a dam is built primarily with authorization for flood control, the Army engineers build a foundation sufficient to carry a superstructure which ultimately might impound enough water to be used for power purposes.

Furthermore, in connection with such conferences, the determination is made, for example, that project No. 2001, or whatever it may be, has in it power possibilities. In every such instance, as provided by law in most cases, the penstock is installed.

If the Senator will bear with me just a moment—because I wish to get a full answer from him—there is great danger, which we must recognize here and elsewhere, in the use primarily for flood control of a dam or a reservoir which is essential to carrying out the complete reconstruction of our country with reference to the conservation of our natural resources. The danger is that there is always the temptation to keep the reservoir so filled with water that when a flood

comes there is no room for the additional water. We must not overlook that fact.

Mr. NORRIS. Will the Senator pause at that point in order to permit me to comment on his statement before he goes so far that I forget some of the questions which his remarks have suggested to me?

Mr. COPELAND. Certainly.

Mr. NORRIS. There is considerable misunderstanding with respect to dams to be used for both flood-control and power purposes.

The assertion is often wildly and erroneously made by power men that a dam constructed for flood control is of no value whatever as a power dam, and that if a dam is used entirely as a power dam it is of no value for flood control. There are instances in which that statement is absolutely true. In such instances power must take a place secondary to flood control, which is the most important. I concede that.

In cases in which it is possible to use a dam for both purposes—and I shall cite such cases in a moment—in my opinion it is a national sin not to utilize the power possibilities in addition to the flood-control benefits. If we do not provide now for such double use, if we build dams without any possibility of providing power in places where the natural advantages are favorable to power production, in future years our descendants now unborn will raise their hands in perfect horror and condemnation in criticism of our action.

I can best illustrate the power problem, as I see it, by taking an actual case. I shall take the Norris Dam in Tennessee only as an example. The Norris Dam is used both for flood control and for power. The reason why the public ought to own it, and not private parties, is that the only object of private owners—a perfectly honorable object, with which I am not finding fault—would be to make money and produce as large a financial return as possible. The owners would fill the reservoir to the top of the dam, and keep the water level at that point. If they did, they would develop a large amount of power which is not now developed, because the T. V. A. recognizes that the most important function of Norris Dam is flood control. The reservoir is never filled to the top of the dam.

Take the case of a given reservoir, such as that behind Norris Dam, capable of holding 3,500,000 acre-feet of water. A study has been made, over a great many years, of the history of rainfall and the height of water in that territory. Rain-measuring gages were installed all over the watershed in addition to some which were already installed, and the gages were connected to telephones, so that when a rain occurs 100 miles away, notice is had of such an occurrence within 5 minutes. Notice is had when the rain ceases and the amount of water which has fallen is known. The reports come in from all over the watershed, and within 15 minutes after a flood rain has taken place on the slopes of the Alleghenies, the authorities at Norris Dam know just how much water has fallen from the measurements coming from different places over the area. The authorities at Norris Dam know whether the rainfall has been general or local in character. They know what to prepare for, and they get ready for it. The rain which falls requires a couple of days to reach Norris Dam. If there were any doubt about the matter, and if any appreciable amount of water were held behind the dam, the water would be let out at once, to run down the Tennessee River before the flood came. Then the gates of the dam would be closed.

As the Senator from New York [Mr. COPELAND] well said the other day on the floor of the Senate, a year ago last January, on the western slope of the Allegheny Mountains, where the Ohio and the Tennessee Rivers rise side by side, one of the greatest floods known to history occurred. When that flood reached Norris Dam the gates were closed and not a gallon of water went out of the reservoir. What happened to the power? The power had to cease. It was secondary to flood control. There was no power. The result was that the flood which came down did not fill the reservoir.

When a dam is built, the amount of water it will hold is computed. The history of the rainfall within the watershed

is studied, if there is a history. Usually, there is a history. If there is not one at present, a history is soon built up as the result of the experience from year to year. The amount of water necessary to fill the reservoir is computed, and the necessary amount of space is held in readiness for a flood. Hence, the full amount of power which might be developed is not being developed at the dam.

Norris Dam is on the Clinch River, a tributary of the Tennessee River. The Clinch River has a great many tributaries, coming down from the mountains over a large area. The combined water from all those tributaries has never yet, in all history, been sufficient to fill to its capacity the Norris Dam. So that the water can be kept at a certain level and still there is space enough to hold the largest flood that nature has ever brought about. I think the capacity of the dam has been pretty nearly doubled so as to be safe and sure, and, as time goes on, and the information is obtained the level will probably be somewhat raised.

In addition to that, when telephone communication with the sides of the mountains informs those in control of the dam that a terrible flood is on the way, they can let all the water out before the flood arrives and have practically an empty reservoir ready to hold it.

That is a place where power and flood control are combined. Suppose that reservoir were sufficient only to hold the floods that come, then the power would be much less valuable; it would be necessary to empty it, and when that was done there would be no power. That is what its opponents always say about it, namely, that when the reservoir is emptied there can be no power, which is perfectly true. But a reservoir that is sufficiently large to hold all the floods, and indeed, to hold twice the amount of any flood that history has ever recorded is capable of producing an immense amount of power at the same time.

That is what I should like to see done, I will say to the Senator, in connection with all these dams. Flood control is the first demand; flood control is the main object; flood control must not be given up for any other purpose; it is the dominating objective; it is the reason why we appropriate the public money to prevent damage not in one little locality alone but all over the United States. Power, not in all but in many cases, is a byproduct, as it were, and we ought not to throw away that valuable byproduct. In my opinion, if it had not been, from the very beginning of the fight in regard to T. V. A. that has been going on for 20 years, for the opposition of the private power companies we would have now a combination of flood control and power over a large portion of the United States.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New York?

Mr. NORRIS. I yield.

Mr. COPELAND. I think the Senator has made a very powerful argument in favor of constructing these great projects in such a way as to bring about a combination of power and flood control. He has made a powerful argument that there must be such control as to prevent selfish, grasping private organizations from keeping water in reservoirs for the sake of developing hydroelectric power. I think that argument is unanswerable; I think I can approve that contention. But I should like to say, Mr. President, that, in spite of the very wise statement made by the Senator from Nebraska, who knows more about this project than anybody else in the Chamber, I think he overlooks the fact that what we are proposing in this bill will ultimately accomplish exactly what he has in mind. I do not think a single dam or reservoir will be built which does not have in it a penstock and the apparatus for emptying the dam and creating hydroelectric power or for emptying the reservoir for the sake of having a greater capacity for flood waters. I do not think he need fear that at all. I believe it to be true that where hydroelectric power or water for reclamation and irrigation may be needed, every one of these projects will be planned and built with a view to doing exactly what the Senator from Nebraska desires.

So, if we cannot get all we want, we, at least, can formulate this bill in such a way that the worthy objectives of the Senator from Nebraska shall not be defeated. I believe, with all my soul, that there is nothing in the bill which contemplates any such construction as will defeat what the Senator has in mind.

Mr. NORRIS. Mr. President, I do not desire to be understood as questioning the sincerity of the Senator from New York; I know he will not hold any such thought in mind. There may be a disagreement and difference of opinion; but, to take an imaginary case, where there happens to be a reservoir site near the city of A, we will say, capable of holding a large amount of flood water, and a dam is constructed there by the Army engineers—and I have no fault to find with them; I am not objecting to having them construct the dam; I do not think they are the only engineers who construct good dams but they do construct good dams, and I do not want to be one and am not one who complains about their work—the question arises, should power facilities be installed now or should we just put in a penstock and wait 10 years. Who is going to pass on it? If the Army engineers are going to pass on it, probably it will have something to do with the kind of dam that is going to be constructed. Probably, as the Senator said a while ago, in case the dam is to serve a double purpose it would be higher than it would be in the other case; and, speaking in a general way, where God has made it possible to construct a high dam, with some exceptions, it is true, because of cost, and so forth, the dam ought to be constructed just as high as it can be constructed to afford all the flood control and all the power that is possible. Probably it is not always best to do that; but I do not think the Army engineers ought to decide the question.

Mr. COPELAND. Mr. President, will the Senator permit me?

Mr. NORRIS. Let me finish some further comments.

Mr. COPELAND. Very well.

Mr. NORRIS. This bill leaves it with the Army engineers. The Secretary of War is the head of it. As President Roosevelt said in his veto message of Joint Resolution 57, he is opposed to the Secretary of War and the Army engineers, able as they are, fixing the policy of the Government in relation to various matters; and I will say, so far as my opinion goes, they should not fix the policy as to the development of hydroelectric power.

I am aware that I may be criticized by many honest people when I say that the Army engineers have never shown any great love for hydroelectric power development. I do not want to be understood as criticizing them for that. They have a perfect right to the attitude which they take, if they desire to take it, and I can see how they would be inclined to take it. Their whole professional career has been connected with other interests than the development of power for the poor and needy of God's country; they are sincere in their belief; I do not question that; but they have associated with a higher class of people than would be benefited, as a rule, by the development and distribution and transmission of hydroelectric power that might be developed by some of these dams. Hence they do not look at it from a sympathetic viewpoint; they are inclined to be the other way. So, if we leave it to them, if there is any doubt about it, there will be no power development provided. Without criticizing them, without finding fault with the viewpoint of anybody, I believe that the right to say what should be done and when it should be done should be left, as the President says in his veto message, with some other administrative officials of the Government of the United States.

Mr. MILLER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Arkansas?

Mr. NORRIS. I yield.

Mr. MILLER. In connection with what the Senator is saying as to determining the question whether or not the installation of penstocks should be provided for at the time

plans are made for a dam, I find myself in agreement with the Senator on that contention; but I am wondering about another aspect of the situation. The Water Power Act, with which I know the Senator is very familiar, provides that the Federal Power Commission, in determining the feasibility and in determining upon plans for the construction of a dam, shall consult three agencies of the Government; the engineers of the Agricultural Department, the engineers of the Interior Department, and the Army engineers. In addition to that, the Federal Power Commission, as I understand, has a corps of its own engineers.

Mr. NORRIS. It has, and I think a very high-class organization it is.

Mr. MILLER. Those four agencies might, with a great deal of propriety, be named in the subsection of this bill dealing with penstocks, and I think all interests would thereby be protected.

Mr. NORRIS. I think so. I am not contending, I will say to the Senator, for any specific thing. A bill is pending in the Committee on Agriculture and Forestry which has had favorable consideration by the subcommittee to which it was referred more than a year ago. I have not read the bill since that date, but, as I recall it—and I myself drew the bill—it provides, that when there is any dispute between the engineers of any of the departments as to just exactly what should be done in the way of putting in power or not the question shall be ultimately decided by the President of the United States.

I remember that I asked the Senator the other day, in a conversation with him at a conference we held on this subject, to look up that matter. I ask the Senator now if he did so.

Mr. MILLER. I think the best thing to do would be to provide for a consultation with the Federal Power Commission, with its facilities, to determine that question.

Mr. NORRIS. I think they are by far better qualified to decide the question of policy than are the Army engineers.

Mr. MILLER. I mean, the determination of the question with regard to the installation of penstocks. I think that would serve the purpose.

Mr. NORRIS. That would be a great improvement, I think. The question of putting in a penstock does not settle the whole matter, however, when a dam is being built.

I do not remember just how far I had gone when I was interrupted.

I was giving an imaginary illustration, and was about to call the attention of the Senate to a case in which the question for decision would be, Shall we put a penstock in this dam near the city, or shall we install water-power facilities? That means building a powerhouse in addition to the dam. Putting in a penstock would not have anything to do with the powerhouse. All the machinery is there. Everything is there. Shall we build it now, or shall we move away and come back in 10 years, go to the extra expense of moving out and moving in, and then build it?

If the dam were established in a community where there was use for electric power, or where people were paying an exorbitant price for electric power, or in a locality within transmission distance of cities and towns, the probabilities are that a man who believed in the development of electricity and its distribution at a reasonable price to the people would put in the powerhouse then.

He could do it much cheaper than it could be done later. In the meantime, it would do some good to the people, and it would bring in an income which would go far toward paying for the improvement and the expenditure of money by the United States.

Mr. President, I did not intend to go into these various power questions. I probably shall not be here when all the amendments are offered. I think I have said all I care to say now on the general principle which is involved and which will be involved in the amendments which are to be offered.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kentucky [Mr. BARKLEY].

Mr. COPELAND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Davis	Johnson, Calif.	Overton
Andrews	Dieterich	Johnson, Colo.	Pepper
Ashurst	Donahey	King	Pittman
Austin	Duffy	La Follette	Pope
Bankhead	Ellender	Lee	Radcliffe
Barkley	Frazier	Lewis	Reames
Berry	George	Lodge	Reynolds
Bilbo	Gerry	Logan	Russell
Bone	Gibson	Lonergan	Schwartz
Borah	Glass	Lundeen	Schwellenbach
Brown, Mich.	Green	McAdoo	Sheppard
Brown, N. H.	Guffey	McGill	Shipstead
Bulow	Hale	McKellar	Smith
Burke	Harrison	McNary	Thomas, Utah
Byrd	Hatch	Miller	Townsend
Byrnes	Hayden	Milton	Truman
Capper	Herring	Minton	Vandenberg
Caraway	Hill	Murray	Van Nuys
Chavez	Hitchcock	Neely	Wagner
Connally	Holt	Norris	Walsh
Copeland	Hughes	O'Mahoney	Wheeler

The PRESIDING OFFICER. Eighty-four Senators having answered to their names, a quorum is present.

PLACEMENT OF EDUCATIONAL MUNITIONS ORDERS

The PRESIDING OFFICER (Mr. BERRY in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 6246) to provide for placing educational orders to familiarize private manufacturing establishments with the production of munitions of war of special or technical design, noncommercial in character, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SHEPPARD. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. JOHNSON of Colorado, Mr. HILL, and Mr. LODGE conferees on the part of the Senate.

AUTHORIZATION OF FLOOD-CONTROL PROJECTS

The Senate resumed the consideration of the bill (H. R. 10618) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the senior Senator from Kentucky [Mr. BARKLEY].

Mr. COPELAND. Mr. President, I hope Senators who are now in the Chamber will remain, because there is pending an amendment which is fundamental, which would change the policy of the Government, which would set up a new system. I think Senators should share the responsibility of determining whether or not it is wise. I intend to ask for a roll call on the amendment, and I hope I can have one, because we ought to know where we stand when a new policy is proposed.

Mr. BARKLEY. Mr. President, I do not understand the basis of the contention of the Senator from New York that this would establish a new precedent, because it would not. It would put all flood-control projects on the same basis.

Under the bill, local communities may be reimbursed up to 70 percent of the cost of lands, easements, and rights-of-way necessary in the construction of dams and reservoirs. My amendment provides that not only for the purchase of lands and easements and rights-of-way necessary for the construction of a dam shall there be reimbursement, but if, instead of a dam, the improvement is a ditch which has been authorized by Congress, the same rule shall apply. A dam or a reservoir cannot be construed to be a ditch; yet there are some flood-control projects which involve the digging of ditches in order to divert water around a whole city, for instance, in order that the water may empty into a river at another place so as to protect the city from floods. The

amendment merely puts that sort of a project on the same basis with a dam or a reservoir. It also provides that the community may be reimbursed up to 70 percent for any necessary relocations of streets or highways or the construction of bridges over the ditch which are made necessary by the diversion of the water. No new principle is involved. It merely puts all projects on the same basis.

Mr. NEELY. Mr. President, will the Senator inform us to what extent local communities may be reimbursed under existing law?

Mr. BARKLEY. Under existing law the President has the authority to waive 50 percent of the requirement for local contributions for the purchase of lands, easements, and rights-of-way. He has exercised that authority in a case or two. Under the bill as it came to us from the House, these communities may be reimbursed up to 70 percent instead of 50 percent, and it is not for the President to determine; it is provided in the law itself that the communities may be reimbursed.

All my amendment does is to reimburse the communities up to 70 percent for the purchase of rights-of-way, easements, and lands necessary for the digging of a ditch which has been authorized by Congress to protect a city against a flood, just as if it were a dam, and if in the construction of the improvement it is necessary to relocate a road or a street or build a bridge, the community shall be reimbursed up to 70 percent of the cost. That is all there is to it. No new principle is involved. It merely makes all flood-control projects stand on the same basis. I hope the amendment will be agreed to.

Mr. OVERTON. Mr. President, I think the observation ought to be made, in reference to the amendment suggested by the Senator from Kentucky, that a distinction has been made between local contributions in reference, on the one hand, to rights-of-way for levees and levee foundations and for such flood-control works as floodwalls, and, on the other hand, to reservoirs and dams.

The argument can be very forcibly made, and it has been made, and this bill supports the contention, that the local contributions for reservoirs and dams ought to be on a different basis from the local contributions for levees and floodwalls. The dams and reservoirs are frequently of no local benefit at all. They are constructed for the purpose of benefiting people who reside far away from the dams or the reservoirs. On the other hand, it can be said that almost without exception, and probably without any exception at all, a levee or a floodwall is constructed solely for the benefit of the local community, and therefore the contribution of the States and their local subdivisions ought to be much greater in reference to levees and floodwalls than in the case of dams or reservoirs; and that policy has been carried out.

In the Mississippi Valley we have contributed the rights-of-way for levees and levee foundations. We have always been doing that, and we have never sought to resist the demand for local contributions. Under the Senator's amendment, as I interpret it, we will continue to have to make those contributions, because I think his amendment will cover levees and floodwalls outside of the Mississippi Valley. In other words, his amendment applies to the act of June 22, 1936, instead of the act of May 15, 1928, as amended by the act of June 15, 1936, which are the flood-control acts relating to the lower Mississippi Valley.

Mr. VANDENBERG. The Senator is very familiar with all phases of this subject, and I should like to ask him a question. Would the adoption of this amendment set a precedent which would justify a claim for reimbursement for work previously done on a different basis of contribution?

Mr. OVERTON. I do not think it would. That is, I do not think that the amendment, if adopted, would be the basis for a claim for reimbursement. That is merely an off-hand opinion, because I have had no opportunity to study the amendment. I have simply heard it read from the desk.

But I think that the main purpose of this amendment is to relieve the local interests from contributing for rights-of-way for levee foundations beyond the 30 percent that is

provided for local contribution for dams and reservoirs. I thoroughly agree with the Senator from Kentucky that where a ditch or some diversion channel is to be constructed by the Federal Government, the Federal Government then should bear the costs of the rights-of-way necessary in order to construct that new channel through an area. But I cannot find myself in agreement with the Senator from Kentucky when he says that there ought not to be any local contribution at all, or only 30 percent local contribution in reference to rights-of-way for levees, the purposes of which are to protect people locally, and the benefits of which are local in character.

I think it is proper that there should be a different and lesser local contribution for dams and for reservoirs, because the dams and the reservoirs are for the most part of little or no local advantage, and benefit people in remote sections, way down in the valley of the tributaries or of the main river into which the tributaries may empty.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. BARKLEY. It seems to me that there would be no possibility of levying local contributions for the construction of a vast reservoir that might be miles long and remote from any city or thickly populated community. There would be no way by which a local contribution could be levied, because the local contribution would have to be assessed against abutting property owners, because their property would abut the lake which would be created by the reservoir.

Mr. OVERTON. I may say to the Senator that what we understand by "local contributions" is not contributions by abutting property owners, but contributions by States and local subdivisions of States.

Mr. BARKLEY. Let us take a vast reservoir which might be 40 miles long and 20 miles wide, impounding the waters of some river, so as to hold them back during flood seasons. There is no municipality which is interested in that reservoir except one down the river; in that situation I think the Federal Government ought to bear all the cost. In the construction of a dam for the purpose of creating a reservoir I think the Government ought to bear the entire expense. But the amendment I have offered applies to local flood-control works, such as levees or flood walls or channels for diversion with respect to which we have already authorized the President to waive 50 percent of the local cost, and the House bill waives all except 30 percent of the cost.

Mr. OVERTON. I should find myself in agreement with the Senator, if he would confine the effect of his amendment to dams, reservoirs, and channel improvements.

Mr. BARKLEY. I have an amendment which I intend to offer, if the pending amendment shall be adopted, which changes the language so as to make it apply to dams, reservoirs, and other flood-control projects, which would include flood walls and levees, channels, or diversions.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MILLER. I may suggest that the objection advanced by the Senator from Louisiana can be met by removing from the proposed amendment offered by the Senator from Kentucky the words "or other flood-control projects."

Mr. BARKLEY. If that language were removed from the amendment the amendment would be destroyed.

Mr. MILLER. I do not think it would. The amendment mentions "ditch," and it mentions "diversion channel." What I have suggested would simply remove the levees and sea walls.

Mr. COPELAND. Mr. President, will the Senator from Louisiana yield?

Mr. OVERTON. I yield the floor.

Mr. COPELAND. I wish to follow up what the Senator from Arkansas has said. I ask the Senator from Kentucky what the language of his amendment is, which was referred to by the Senator from Arkansas.

Mr. BARKLEY. The language is:

Provided, That lands, easements, and rights-of-way shall include lands on which dams or other flood-control works are located.

Mr. COPELAND. Very well. If the Senator will strike out "or other flood-control works" and insert in lieu thereof "or channel improvements", he will get what he wants, and the murder of the Government will not be quite so violent.

Mr. OVERTON. I think that would be a satisfactory change.

Mr. BARKLEY. I had intended to offer an amendment of that nature at another place, so it would harmonize with the pending amendment. I had intended to offer an amendment, in line 7, on page 2, after the words "for any dam, reservoir", so the language would read "for any dam, reservoir, or other flood-control project." I can change that to "channel", so as to limit it.

Mr. COPELAND. The Senator ought to begin his harmonizing now by striking out the words "or other flood-control projects" and inserting in lieu thereof "or channel improvements."

Mr. MILLER. "Or diversion channels."

Mr. COPELAND. "Or diversion channels"; yes.

Mr. BARKLEY. The word "reservoir" should be in the amendment, because it is in the text. The language of the text is "dams, reservoirs."

Mr. President, I have modified the first part of my amendment to read:

*Provided, That lands, easements, and rights-of-way shall include lands on which dams, reservoirs, or channel improvements are located * * **

Mr. MILLER. That is satisfactory.

Mr. COPELAND. That is all right.

Mr. President, I wish to say that personally I am opposed to the amendment. It changes the whole policy. However, if the Senate cares to adopt the amendment, the amendment is in the least poisonous dose that I can think of.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Kentucky.

The amendment was agreed to.

Mr. BARKLEY. In order to conform the language of the bill to the amendment just agreed to, I offer an amendment, on page 2, line 7, after the word "dam", to strike out the "and", and after the word "reservoir" insert "or channel improvements."

Mr. COPELAND. All right.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Kentucky.

The amendment was agreed to.

Mr. McNARY. I offer an amendment which I ask to have stated.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 2, line 13, after the colon, it is proposed to insert the following:

Provided further, That the costs of relocation and reconstruction of highways, railroads, and other utilities located on or traversing lands necessary for the construction of projects authorized by such act of June 22, 1936, as amended, such act of June 15, 1936, as amended, or this act, shall be considered part of the construction costs of such projects and money appropriated under the authority of such acts shall be available for the payment thereof or for reimbursement of States or political subdivisions which have paid such costs."

Mr. COPELAND. Mr. President, having agreed to the amendments offered by the Senator from Kentucky, there is no logical reason why the Senate should not adopt the amendment proposed by the Senator from Oregon. All it does is to add \$20,000,000 to the bill, and take \$20,000,000 out of the Treasury, which is already depleted. All these amendments will invite a Presidential veto.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Oregon [Mr. McNARY].

The amendment was agreed to.

Mr. LEE. Mr. President, I ask unanimous consent for the consideration of an amendment offered by the senior Senator from Oklahoma [Mr. THOMAS] with respect to the Lugert-Altus Flood Control and Reclamation Reservoir.

The PRESIDENT pro tempore. The junior Senator from Oklahoma [Mr. LEE] asks that the amendment proposed by the senior Senator from Oklahoma [Mr. THOMAS] be considered. The amendment will be stated.

The CHIEF CLERK. On page 9, after line 10, it is proposed to insert the following:

The Lugert-Altus Flood Control and Reclamation Reservoir, located on the North Fork of the Red River in Oklahoma, is hereby authorized for construction at an estimated cost of \$2,497,000, on the following basis as to a division of the cost of construction:

(a) The Chief of Engineers shall report to the President on or before August 1, 1938, the value of said Lugert Reservoir as a flood-control works, and the value so reported shall be the amount herein authorized to be appropriated as a charge against any funds appropriated and available for the construction of flood-control projects.

(b) The remainder of the estimated cost of such Lugert Reservoir, namely, the estimated total cost of the reservoir, less the amount reported by the Chief of Engineers as the value of said reservoir as a flood-control project, is hereby authorized to be appropriated for the construction of said Lugert Reservoir for reclamation and irrigation as reported in Senate Document No. 153, Seventy-fifth Congress, third session, and as further authorized by the last paragraph on page 37 of Public Act No. 497, Seventy-fifth Congress, third session, providing that the construction of said Lugert Reservoir and Altus reclamation project shall not be undertaken until the Chief of Engineers and the Secretary of the Interior join in an agreement as to the division of cost of the construction of the said reservoir as provided herein.

Mr. LEE. Mr. President, the reason why I ask for a reconsideration of the amendment is because I have checked back with the Corps of Engineers of the Army. The Senator from Michigan [Mr. VANDENBERG] asked about seemingly conflicting reports. This project is part reclamation and part flood-control, so both of us were right. So far as reclamation is concerned, it was approved to a certain extent, but we could not obtain any appropriation, because it was also part flood-control. Our trouble for 4 years has been that it is part of both.

The project is a little like a mermaid—too much woman to eat, and too much fish to hug. [Laughter.] We cannot get the reclamation folks to help us, because they say it is part flood control. We cannot get the flood-control folks to help us, because they say it is part reclamation. As a matter of fact, it is partly both. However, the amendment provides that only that part which the Chief of Engineers of the Army determines to be flood control shall be authorized under the bill.

I think that is a fair statement.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. COPELAND. If the Senator will refrain from offering his next amendment, so far as I am concerned, I am willing to have this one go to conference. Is that agreeable to the Senator?

Mr. LEE. That is agreeable to me.

The PRESIDENT pro tempore. The Senator from Oklahoma [Mr. LEE] asks unanimous consent for the reconsideration of this amendment, which has once been rejected. Is there objection to the reconsideration of the vote by which the amendment was rejected? The Chair hears none, and the vote is reconsidered.

The question is on agreeing to the amendment offered by the Senator from Oklahoma [Mr. LEE] on behalf of his colleague [Mr. THOMAS].

The amendment was agreed to.

The PRESIDENT pro tempore. The bill is still before the Senate and open to amendment. Are there any further amendments?

Mr. BARKLEY. Mr. President, on page 1, I move to strike out section 1. My reason for moving to strike out section 1 is that in the Flood Control Act of 1936, section 2 provided:

That, hereafter, Federal investigations and improvements of rivers and other waterways for flood control and allied purposes shall be under the jurisdiction of and shall be prosecuted by the War Department under the direction of the Secretary of War and supervision of the Chief of Engineers, and Federal investigations of watersheds and measures for run-off and waterflow retardation and soil-erosion prevention on watersheds shall be under the jurisdiction of and shall be prosecuted by the Department of Agriculture under the direction of the Secretary of Agriculture, except as otherwise provided by act of Congress.

Inasmuch as that provision was made permanent law in the Flood Control Act of 1936, it seems to me that there is no need to write into the pending bill a separate provision which deletes a considerable part of the law with respect to soil erosion. I therefore move to strike out section 1, lines 3 to 9, inclusive, on page 1.

Mr. COPELAND. Mr. President, I suppose there is not any use in making an argument. I do not say that to be offensive to the Senator from Kentucky or any other Senator. We are seeking to establish a new governmental policy. We have not considered it. It has not been studied by any committee of the Congress. To my mind, the whole thing is unstatesmanlike. I say that without desiring to be offensive. It is not the way to deal with a great problem of our national life.

There is nothing in the first section of the bill which could possibly interfere with any other plans which we might make. I am perfectly willing to have the language changed so as to be identical with the language which we adopted yesterday in the river and harbor bill.

Mr. BARKLEY. Will the Senator accept an amendment substituting the present law in the Flood Control Act of 1936 for the language in section 1?

Mr. COPELAND. What language is that?

Mr. BARKLEY. The language from the beginning of section 2 of the act of June 22, 1936, down to the words "act of Congress", about midway in the section.

Mr. COPELAND. Yes; I shall be glad to accept that amendment.

Mr. BARKLEY. I move, then, to strike out section 1 of the bill and substitute for it the language which I send to the desk, which is marked, and which the Senator from New York has just read.

The PRESIDENT pro tempore. The modified amendment offered by the Senator from Kentucky [Mr. BARKLEY] will be stated.

The CHIEF CLERK. On page 1, after line 2, it is proposed to strike out:

That hereafter Federal investigation, planning, and prosecution of improvements of rivers and harbors for flood-control and allied purposes shall be a function of and under the jurisdiction of the Corps of Engineers of the United States Army under the direction of the Secretary of War and the supervision of the Chief of Engineers, except as otherwise specifically provided by act of Congress.

And to insert:

That, hereafter, Federal investigations and improvements of rivers and other waterways for flood-control and allied purposes shall be under the jurisdiction of and shall be prosecuted by the War Department under the direction of the Secretary of War and supervision of the Chief of Engineers, and Federal investigations of watersheds and measures for run-off and water-flow retardation and soil-erosion prevention on watersheds shall be under the jurisdiction of and shall be prosecuted by the Department of Agriculture under the direction of the Secretary of Agriculture, except as otherwise provided by act of Congress.

Mr. COPELAND. Mr. President, I am willing to accept that language, because we studied it and worked it out in the committee. It is entirely satisfactory so far as I am concerned.

Mr. BARKLEY. I do not care to discuss the matter any further.

The PRESIDENT pro tempore. The question is on agreeing to the modified amendment offered by the Senator from Kentucky [Mr. BARKLEY].

The amendment, as modified, was agreed to.

Mr. BARKLEY. Mr. President, I offer another amendment which I send to the desk and ask to have stated.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 4, beginning with line 1, it is proposed to strike out:

Provided, That pen stocks or other similar facilities adapted to possible future use in the development of hydroelectric power may be installed in any dam herein authorized when approved by the Secretary of War upon the recommendation of the Chief of Engineers.

And to insert in lieu thereof the following:

Provided, That upon recommendation of the Federal Power Commission in accordance with plans approved by the Chief of Engineers and the Secretary of War, any dam heretofore or herein authorized shall be so designed and constructed, and shall include penstocks or such other facilities, as will enable it to be used for the development of hydroelectric power in addition to flood control.

Mr. McKELLAR. Mr. President, will that amendment in any way affect the dams of the T. V. A. on the Tennessee River?

Mr. BARKLEY. No. The bill does not affect the Tennessee Valley in any way.

Mr. COPELAND. Mr. President, I am frank to say that I think the amendment is a rather gratuitous reflection on the Army engineers. I see no reason in the world why the provision should not be that the Chief of Engineers and the Secretary of War, after consultation with—and perhaps the approval of—the Power Commission may do so and so.

Mr. VANDENBERG. Mr. President, may I ask the Senator from New York whether any of these amendments ever came to the Commerce Committee in connection with the consideration of the bill?

Mr. COPELAND. They never did.

Mr. VANDENBERG. Just what are Senate committees for?

Mr. COPELAND. I cannot answer that question. I am not omniscient.

Mr. BARKLEY. If the function of the Senate of the United States is to accept without change the work of any committee, then there is no need for us to sit here in session. I did not submit these amendments to the committee, but I have the right to offer them on the floor of the Senate.

All the pending amendment does is to provide:

That upon recommendation of the Federal Power Commission in accordance with plans approved by the Chief of Engineers and the Secretary of War, any dam heretofore or herein authorized shall be so designed and constructed, and shall include penstocks or such other facilities, as will enable it to be used for the development of hydroelectric power in addition to flood control.

The amendment is offered upon the recommendation of the Power Commission—which under the law is charged with the duty of supervising, in some respects, the control of power in this country—that in accordance with plans made by the Chief of Engineers and the Secretary of War, these dams shall be equipped with pen stocks. That is a simple matter, in order that the dam may be utilized, if necessary, for the generation of power. I do not see that there is any reflection on the Secretary of War or the Chief of Engineers, because it is done under the supervision and upon recommendation of the Federal Power Commission. It seems to me to be a compliment to the Chief of Engineers and the Secretary of War rather than a reflection.

Mr. COPELAND. Mr. President, if the Senator desires to make it certain that the Federal Power Commission shall be consulted, why not put it the other way around:

The Chief of Engineers and the Secretary of War, after consultation with the Federal Power Commission—

And so forth. Why not do it in that way?

Mr. BARKLEY. Mr. President, my attention was diverted for a moment, and I did not understand the Senator's suggestion.

Mr. COPELAND. I want to put the horse in front of the carriage. Of course, I realize that the matter is going to be sent to conference, but I should like to have it sent to conference in a form which would justify the conferees in accepting it.

I do not like this provision. I think it is a reflection on the Army engineers, whether or not it is intended to be. As a matter of fact, as I have already stated this afternoon, there is not a single one of these projects in which there is not consultation with the Federal Power Commission, the Reclamation Service, the Irrigation Service, and all the other departments of Government.

I do not think the amendment ought to be accepted.

Mr. BARKLEY. Mr. President, I do not see any objection to putting it in the law.

Mr. HILL. Mr. President, will the Senator yield to me?

Mr. BARKLEY. I yield to the Senator from Alabama.

Mr. HILL. Let me say to the Senator from Kentucky, if I may, that his amendment certainly is no reflection whatever on the capabilities or efficiency of the Corps of Engineers. The truth is, the Senator's amendment merely follows the policy which the Congress of the United States adopted away back in 1925, when it provided for an examination and a survey of practically all the first-class rivers, so to speak, in the whole United States.

The Senator from Kentucky will recall that the Rivers and Harbors Act approved March 3, 1925, included a section known as section 3, which read as follows:

SEC. 3. The Secretary of War, through the Corps of Engineers of the United States Army, and the Federal Power Commission, are jointly hereby authorized and directed to prepare and submit to Congress an estimate of the cost of making such examinations, surveys, or other investigations as, in their opinion, may be required of those navigable streams of the United States, and their tributaries, whereon power development appears feasible and practicable, with a view to the formulation of general plans for the most effective improvement of such streams for the purposes of navigation and the prosecution of such improvement in combination with the most efficient development of the potential water power, the control of floods, and the needs of irrigation.

The duty of surveying these rivers, and of working out a plan and a program, was placed by the Congress jointly on the Federal Power Commission and the Corps of United States Engineers. All that the amendment of the Senator from Kentucky does is to continue that policy and that joint responsibility on both the Federal Power Commission and the Army engineers. Through the passage of this bill we are starting some ninety-odd projects which will cost an amount running into the millions and doubtless the hundreds of millions of dollars. Why should we not have the advice, the knowledge, and the information of the Federal Power Commission in carrying out this great program? That is all that the amendment of the Senator from Kentucky provides.

Mr. SHIPSTEAD. Mr. President, will the Senator yield to me?

Mr. HILL. I really have not the floor. The Senator from Kentucky has the floor.

Mr. SHIPSTEAD. I thought the amendment had been agreed to.

Mr. HILL. No; I understand that this particular amendment has not been agreed to.

In that connection, while I do not want to trespass too much on the time of the Senator from Kentucky—

Mr. BARKLEY. That is all right.

Mr. HILL. The Senator knows that the Federal Power Act, which creates the Federal Power Commission, was written after not merely many months but many years of study and effort on the part of some of the best minds and the most distinguished Members of the Congress of the United States has ever had. They worked diligently for years to work out a power policy, and to draft a power act to carry out that policy for the United States.

In that act they set up the Federal Power Commission, and they vested the Federal Power Commission with the duty and the responsibility of doing the very things which the Flood Control Act now provides—making investigations, collecting and recording data concerning the utilization of the water resources of any region to be developed, the water-power industry, and all kindred and allied subjects and purposes. All that we are doing by the amendment of

the Senator from Kentucky is to carry out the policy which the Congress, after many years of thought and effort and consideration, laid down.

The amendment should be agreed to.

Mr. BARKLEY. Mr. President, after conferring with the Senator from New York [Mr. COPELAND], I think a modification of the amendment may accomplish the same purpose.

In line 3, on page 4 of the bill, I move to strike out the word "may" and insert the word "shall."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. BARKLEY. In lines 3 and 4, page 4, I move to strike out "when approved by the Secretary of War upon the recommendation of" and insert the word "by"; and after the word "Engineers" in line 5, I move to insert the words "when approved by the Federal Power Commission", so that the proviso will read:

That penstocks or other similar facilities adapted to possible future use in the development of hydroelectric power shall be installed in any dam herein authorized by the Chief of Engineers when approved by the Federal Power Commission.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Kentucky.

The amendment was agreed to.

Mr. BARKLEY. On page 24, in line 22, after the word "Agriculture", I wish to insert "and the Federal Power Commission", so as to read:

And the sum of \$10,000,000 is authorized to be appropriated and expended in equal amounts by the Departments of War and Agriculture and the Federal Power Commission for carrying out any examinations and surveys provided for in this act and other acts of Congress.

Mr. COPELAND. Mr. President, I suggest to the Senator that he make that amount of money \$15,000,000 instead of \$10,000,000.

Mr. BARKLEY. Yes; that is entirely satisfactory. In line 20, page 24, I move to strike out "\$10,000,000" and insert "\$15,000,000."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. BARKLEY. And, as I have just suggested, after the word "Agriculture", in line 22, I move to insert "and the Federal Power Commission."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. BARKLEY. Now, Mr. President, the amendment which I offered a while ago at the wrong place I wish to offer for insertion at the bottom of page 2. It is the amendment providing for the acquisition of title by the Federal Government with respect to dams and rights-of-way, and so forth.

The PRESIDENT pro tempore. The amendment offered by the Senator from Kentucky will be stated.

The CHIEF CLERK. On page 2, after line 25, it is proposed to insert:

That in case of any dam and reservoir project herein authorized or heretofore authorized by the act of June 22, 1936 (Public, No. 738, 74th Cong.), as amended, and by the act of June 15, 1936 (Public, No. 678, 74th Cong.), as amended, title to all lands, easements, and rights-of-way for such project shall be acquired by the United States or by local agencies and conveyed to the United States, and provisions (a), (b), and (c) of section 3 of said act of June 22, 1936, shall not apply thereto. Notwithstanding any restrictions, limitations, or requirement of prior consent provided by any other act, the Secretary of War is hereby authorized and directed to acquire in the name of the United States title to all lands, easements, and rights-of-way necessary for any dam and reservoir project with funds heretofore or hereafter appropriated or made available for such projects, and States or political subdivisions shall be granted and reimbursed, from such funds, sums equivalent to actual expenditures made by them in acquiring lands, easements, and rights-of-way for any dam and reservoir project heretofore or herein authorized: *Provided*, That no reimbursement shall be made for any indirect or speculative damages.

Mr. COPELAND. Mr. President, I ask that the memorandum I send to the desk be inserted in the Record in opposition to the amendment offered by the Senator from Kentucky, which I had anticipated would be offered.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

The Power Commission flood-control amendments tend to deflect the objectives and to alter the entire philosophy of and the approach to the functions and responsibilities of the Federal Government in dealing with the problem of controlling floods.

1. By the language of the proposed amendments to section 2, the Federal Government would assume title and ownership of all projects, dams, reservoirs, etc., undertaken in joint participation by the Federal and the local governments. This position is supported by the fact of the major—70 percent—contribution by the Federal Treasury to the purchase of sites, easements, and the like plus the 100-percent Federal contribution to actual construction. It is evident that for the concession of Federal ownership, advocates of this amendment would be willing to increase the Federal appropriation for lands from 70 percent to 100 percent.

This point is politically difficult to oppose because of the natural pressure upon localities to avoid assumption of financial obligations which the Federal Government seems ready and willing to assume. Yet surrender of local obligations is naturally followed by surrender of local autonomy in the direction of policy. Objectives of the current Federal administration would become paramount regardless of local requirements. This need not be a fatal weakness but for the fact that in most instances flood control is patently incompatible with power development. Yet the present administration seems determined to reconcile these conflicting objectives in all flood-control projects contrary to recommendations of distinguished Army and private engineers.

The measure of protection afforded by a flood-control dam which is also used for power development is materially less than provided by dams wholly devoted to control of floods. Thus there is a real danger of developing a wholly false sense of security among the downstream communities supposedly guarded from dangerous floods.

2. Wholly in line with the policy of attempting to combine flood control and power is the substitution of the Federal Power Commission for the Corps of Engineers of the United States Army as the agency to determine the wisdom of installation of power facilities at flood-control dams, the second amendment to section 4, proposed by the Federal Power Commission.

This amendment clearly implies that the Corps of Engineers does not—from the standpoint of feasibility, efficiency, engineering, economy, and achievement of the true and legal objective of flood control—go along with the powers that be on the question of combining the two objectives of flood control and power development in the same project.

The rub lies in the question of the legality of Federal development of hydroelectric power per se. Under all rulings the courts have held that improvement of navigation is a constitutional Federal function—and the language of this bill follows the rulings of the courts. It follows then that the control of floods should be a Federal function, although this principle has been belatedly accepted only in recent years. Hence, flood control is the first-cousin-at-law of the constitutional improvement of navigation. And if, according to the courts, in the course of improvement of navigation by means of control of floods, there should occur a byproduct of value in the form of hydroelectric power, then it would be a waste of a valuable Federal property not to make use of and to sell to the highest purchaser the result of that byproduct, electric energy. Hence, power development is a legal first-cousin-at-law—once removed from the constitutional functions of the Federal Government—improvement of navigation.

Thus has evolved a wholly hypocritical policy of snatching at the realistic necessity of the control of floods for the purpose of carrying out the objective of public ownership of electric utilities. That policy may or may not be wise, expedient, socially needful, but if it is not constitutional as such, it should under our Democratic processes, be submitted to the people by means of a constitutional amendment. It should not be accomplished by means of evasion and avoidance which hang upon the necks of flood control and navigation, the millstone of public power ownership. The Federal Government should not give surreptitious support to an objective which, standing alone, is admittedly without legal standing.

The present procedure is a slyly cunning scheme to outwit the Constitution. As such it constitutes a form of public immorality that deserves condemnation from all who seek the preservation of democratic institutions and processes.

It is suggested that as an alternative to this proposal, the issue might well be placed squarely and honestly before the people in the form of a constitutional amendment empowering the Federal Government to engage in the business of generating and selling electric power.

Meantime, this flood-control bill is not an appropriation, only the authorization of an appropriation. Since the defeat of the Copeland amendment to the relief appropriation which would have earmarked a considerable sum for flood-control projects, there is no assurance that Federal moneys herein authorized will be expended before a regular appropriation next year.

Hence, there is no immediate necessity for the adoption, at the last minute, of amendments which would sweepingly alter the purpose and philosophy of the measure. On the other hand there

is every legislative precedent that these controversial amendments be laid aside for this session and that when Congress convenes next year there be full and open hearings on this phase of the Federal power program. If at that time, after full hearings, the Congress should adopt these amendments, then no loss of time would have been incurred and they would have a standing of the fully expressed will of Congress.

However, there is some reason to believe that these amendments are now belatedly proposed wholly for the purpose of justifying a Presidential veto if they are not accepted. The motive behind a Presidential veto is the unremitting effort finally to secure passage of the so-called seven T. V. A. bill. Adoption of the present flood-control bill would virtually preclude revival of the seven T. V. A. bill. This flood-control bill reiterates the congressional policy for the control of our streams as laid down in the flood-control bill of 1936. Its enactment would leave no room for a second and diametrically opposed stream-control policy. Hence there is ground to believe that this proposal is not in good faith, is made wholly as a means of securing grounds for a Presidential veto.

The strategy of such a plan is of doubtful political wisdom. Veto of this bill for any reason would be most unpopular. The pressure for a national flood-control program is tremendous. There is insufficient justification for a veto, since the amendments can be acted upon separately at the next session, and since the enactment of the statute in its present form does not irrevocably preclude further consideration of a phase which at best is a minor one from the standpoint of bona fide flood control. Moreover, it is extremely doubtful if this strategy will succeed in forcing the seven T. V. A. bill through Congress. That measure was introduced on June 3 a year ago after preliminary publicity growing out of the great Ohio River flood of the winter of 1937. Subjected to literally months of hearings by the House Rivers and Harbors Committee it was finally scrapped after a series of emasculating modifications had failed to overcome the overwhelming objections of most of the House leaders. It has never been reported out of the Senate Committee on Agriculture and Forestry.

It would appear to be a politically dangerous move to veto this bill merely because of omission of these amendments. But if that were done the objective of enacting the seven T. V. A. bill very likely would fail and the present bill, perhaps in slightly different form, would be enacted next year.

Conclusion: Very properly the position could now be taken:

1. That these amendments are far reaching in their implications as to the functions and objectives of the Federal Government.
2. That they have received scant attention in hearings or in the House debate.
3. That this last-minute attempt to force them into the bill is bad public policy, hasty, and ill conceived.
4. And therefore, the bill in its present form should be enacted now, leaving these controversial amendments to public hearings and debate at the next session.

Mr. AUSTIN. Mr. President, if I understand the amendment, it is a proposal to take over the real estate of citizens of a State such as the State of Vermont, where reservoirs on small tributaries of the Connecticut River are contemplated, in connection with flood control, in the valley of the Connecticut River. If that is so, I wish to register my determined opposition to it. I have heretofore said all I care to say on the subject. This represents a violent conflict between Federal and State authority. In my opinion, this is a violation of the relationship set up by our forefathers between the Central Government and local governments, and I think that from the point of view of policy alone it is very unwise for the States of the Union to surrender their natural resources to the Federal Government in this manner. I doubt not only the wisdom of the amendment, but I doubt its validity, and I shall vote against it.

I ask that there be printed in the RECORD at this point a statement prepared by Mr. Walter S. Fenton, a member of the Vermont Flood Control Compact Commission, explaining the New England flood-control compacts.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE NEW ENGLAND FLOOD CONTROL COMPACTS—ARE INTERSTATE COMPACTS AS A MEANS OF SOLVING REGIONAL PROBLEMS DOOMED TO FAILURE?

(By Walter S. Fenton, member of Vermont Flood Control Compact Commission)

For many years there has been growing in this country a very considerable public opinion that interstate compacts provide the most satisfactory and effective means of meeting and solving many of the important questions involving groups of States having a community of interest, where the problems are purely regional. This view has been well stated by Prof. Felix Frankfurter and Mr. James M. Landis in the following language:

"* * * the compact idea should add considerably to resources available to statesmen in the solution of problems presented by

the growing interdependence, social and economic, of groups of States forming distinct regions."

Whether this beneficent policy, which has attracted the favorable consideration of so many students of government, and of which so much has been anticipated in the way of benefit to States seeking to take advantage of it, shall hereafter be generally adopted and utilized by the States, or whether it will be discarded as a means of settling regional problems concerning flood control as a futile and useless gesture, will depend very largely upon the action taken by Congress concerning the New England flood-control compacts now pending on favorable reports in both Senate and House of Representatives. Hence the widespread interest in the fate of these compacts, and the necessity of a complete understanding of the question involved.

On the afternoon of July 6, 1937, in the office of the Governor of the great Commonwealth of Massachusetts, the authorized representatives of four sovereign States met for the purpose of executing on behalf of their respective States compacts providing for the control of destructive flood waters of two of the largest river systems of the New England States. Massachusetts, Connecticut, New Hampshire, and Vermont had reached a satisfactory agreement respecting the basin of the Connecticut River, a problem common to the four States; while Massachusetts and New Hampshire, who, for geographical reasons, were the only States interested, had similarly solved the question of flood control on the Merrimack.

Except for the difference in the description of reservoir locations and the apportionment of cost between the States, the compacts were identical in form, scope and content, and what would affect one would similarly affect the other, so that for the purposes of this discussion we may very properly refer to them as the New England flood-control compacts.

It was in many respects a historic occasion. Four highly individualistic States, each justly jealous of its own sovereignty, had, nevertheless, composed any differences of opinion which might otherwise have been fatal to such a program, and the way was clear, but for the mere matter of approval by Congress, for immediate construction of the projects comprehended in the initial plans for flood control.

On July 10, 1937, the eight Senators representing the four interested States jointly introduced in the Senate a bill granting the consent of Congress to the compacts (S. J. Res. 177), with the expectation that it would be promptly passed and the compacts thereby become finally and fully effective.

Similar resolutions were introduced in the House of Representatives by Congressman CLASON of Massachusetts (H. J. Res. 435) concerning the Connecticut River compact, and by Congressman TOBEY of New Hampshire (H. J. Res. 436) and Congresswoman ROGERS of Massachusetts (H. J. Res. 430) relating to the Merrimack River compact.

Notwithstanding these compacts had been public documents for months before the ratifying resolutions were introduced in Congress, notwithstanding they had received wide publicity in the press, notwithstanding their terms were well known or could have been well known by anyone having any interest in the subject, notwithstanding they had received the unqualified and wholehearted public approval of the Secretary of War in a public address delivered more than 2 months previously, not a suggestion of criticism was heard concerning them from any source until about the time the ratifying resolutions were introduced in Congress.

Without any warning, the compacts were suddenly subjected to an attack from the Federal Power Commission, actively supported by the Chief Executive, and instead of being promptly ratified as the people of New England had every reason to anticipate, their present consideration was prevented and further action indefinitely, if not permanently, postponed.

The development of this opposition, the reasoning advanced, and the proposed legislation advocated by and with the approval of the Federal Power Commission and others holding high places in the administration at Washington, in an effort to defeat ratification of the compacts, provide an interesting revelation of what may happen to thwart the will of the people of sovereign States, as declared by their legislatures, anxious to take action for their own protection against the ravages of destructive floods—sincerely seeking to comply with every requirement of the law to make such action effective—carrying out to the last detail the policy laid down by Congress in the enactment of the law, as interpreted and promulgated by the department of Government to whom Congress delegated its administration, when that policy comes into conflict with what some other department of Government would apparently like to have declared as a policy, but which has not, as yet, sufficiently appealed to Congress as one desirable to adopt.

The first criticism of the compacts appeared in an opinion prepared by an attorney of the Federal Power Commission, excerpts from which were published in the Hartford (Conn.) Courant of June 27, 1937. Singularly enough he concluded that the compact varied only in slight details from the Flood Control Act, which variance would seem immaterial if the Secretary of War did not object to the slight encroachments upon his prerogative. His study was more particularly directed to a criticism of the Flood Control Act and the policy permitted under it and carried out by the compact, which might preclude the plan of eight little T. V. A.'s for the Nation. Among other things he is quoted as saying:

"The ratification of the present compact will be a precedent which other sections will seize upon, and the pressure will be difficult for Congress to resist."

In other words, the method of solving interstate flood control provided in and by this compact was sufficiently meritorious to commend it as a model to be generally followed throughout the country, and, therefore, it was argued that Congress should not give its approval to a plan which other groups of States, desiring to preserve to themselves a measure of State control over flood-control activities within their own borders, would not only welcome but enthusiastically embrace. However, the Power Commission was evidently gifted with second sight, for upon the introduction of the ratifying resolutions it discovered that while conforming to the Congressional policy laid down in the Flood Control Act, insofar as flood control was concerned, the reservation in article VIII of the conservation and power values at the reservoir sites beyond what was necessary for the primary purpose of the flood control, was in direct conflict with the established policy of Congress under the Federal Water Power Act of 1920, as amended, and would divest the Federal Government of its present control over the power resources of these regions and involve a surrender of the Federal interest in these streams asserted in the Water Power Act. Therefore, such provision was neither authorized nor contemplated by the Flood Control Act of 1936.

When on August 11, 1937, the Power Commission filed with the House Committee on Flood Control its report and recommendation on House Joint Resolution 482 (the Brown-Casey bill hereafter referred to), it had finally come to the conclusion that the compacts were fatally defective because title to the lands, easements, and rights-of-way requisite to the projects was not conveyed to the United States.

If these progressively developing objections are sound, it seems somewhat strange to an interested observer why it appeared necessary for the introduction of legislation amending the Flood Control Act in such vital respects as to impose upon the New England States a rule directly contrary to that laid down in the Flood Control Act as applicable to the rest of the country. Although unqualifiedly recommended favorably and urged upon the House Flood Control Committee by the then Chairman of the Federal Power Commission, his familiarity with the provisions of the Brown-Casey bill was so limited that he could not express an opinion as to whether or not it did amend the Flood Control Act, as applied solely to New England, in permitting Federal condemnation of lands, easements, and rights-of-way without the consent of the State in which they were located.

The Brown-Casey bill has been so well characterized by Governor Cross, of Connecticut, that it can now be dismissed from further consideration with a short quotation of his views:

"This bill bearing the name of two of the five men who are its sponsors . . . has the distinction of being so loosely drawn that it could not be made the basis of any intelligent compact whatever. The bill provides that if Massachusetts and Connecticut should agree upon a compact, then the Secretary of War would be authorized to go into Vermont and New Hampshire and just take any lands he likes for flood-control reservoirs. It seems to have been forgotten that the people of New England are all kin in whichever State they may live. Neither the Governor of the Commonwealth of Massachusetts nor the Governor of the State of Connecticut could be counted upon to submit to his legislature a compact involving the rape of two sister States. Despite all their faults, there still survive in these Governors, I trust, some traces of honor."

The bill attracted so little support that apparently it has been abandoned and in its place there has now been put forward the McCormack amendment to the Flood Control Act of 1936, backed by the same interests which supported the Brown-Casey bill and opposed the compacts. This amendment, if adopted, would completely reverse the whole fundamental policy upon which the Flood Control Act is bottomed, establishing in its place a policy diametrically opposed to it. Under this amendment State participation in flood control by means of dams and reservoirs is entirely eliminated and the Federal Government is authorized to go into any State to acquire, at its sole expense, the lands, easements, and rights-of-way essential to any such project, a policy which was definitely rejected by the Senate Commerce Committee when the Flood Control Act was under consideration in 1936.

If this bill is adopted, all remaining vestiges of State sovereignty would be practically swept away. While Massachusetts and Connecticut would receive flood protection without cost, New Hampshire and Vermont would suffer untold direct damage for which they could never be compensated, and the indirect damage would be beyond calculation.

Despoiled of their natural resources, vast amounts of taxable values eliminated as sources of revenue, their economic future seriously impaired, their scenic attractions, on which they must rely as their chief remaining asset, marred by indiscriminate location of flood control reservoirs without regard to the wishes and desires of their people, the situation of Vermont and New Hampshire would indeed be cause for serious alarm.

Again it seems pertinent to inquire, if the objections to the compact are sound, why is it necessary to rewrite the Flood Control Act and establish a new policy in order to prevent ratification of the compacts as drawn?

The plain fact of the matter is that the compacts are not in conflict with the Flood Control Act but on the contrary are in exact accord with its terms.

To clearly understand the utter lack of foundation, both in fact and in law, of the objections which have been raised to the passage by Congress of the resolutions consenting to the compacts, as drawn, adopted and ratified by the States, a brief discussion of the Flood Control Act of 1936 and a short recital of events leading up to the drafting of the compacts and their contents is essential.

The subject matter of flood control is one that has been engaging the consideration of thoughtful minds in the country for some years. Until comparatively recently, however, active attack on the problem has been confined more or less to the Mississippi River Basin, and to some extent to the Ohio River Basin.

Disastrous floods began to increase in frequency and in destructive damage, and in 1935 legislation was introduced in Congress looking to a definite policy of flood control, in which the Federal Government should participate. The spring of 1936 saw widespread disaster from floodwaters all over the eastern part of the United States, particularly in the lower Connecticut and Merrimack Rivers in New England, and in western Pennsylvania and the Ohio Valley. The demand for action became acute and resulted in the passage by Congress of the Copeland or Omnibus Flood Control Act. While it was under consideration in the Senate Commerce Committee, a resolution was introduced by a Connecticut Congressman providing for interstate compacts concerning this subject and allied problems between and among the New England States and New York. Representatives of the New England States appeared before the House Judiciary Committee in support of this legislation, and the resolution, enlarged to include the same authority to the Ohio River Valley States, was adopted.

The Omnibus Flood Control Act approved June 22, 1936, laid down as a declaration of policy in the first section a recognition by Congress of a Federal interest in the subject of flood control, sufficient to warrant participation by the Federal Government "in cooperation with the States . . . for flood-control purposes."

Section 3 of the act prescribed the "cooperation" required from the "States, political subdivisions thereof, or other responsible local agencies" as a condition precedent to participation by the Federal Government. Specific assurances were demanded, applicable to all projects which did not fall within certain exceptions or contingencies later defined in the same section. Inasmuch as the projects contemplated in the compacts under consideration come within the general rule, and not within any of the exceptions, this discussion is confined to the requirements under the general rule. The share of the "States, political subdivisions thereof, or other responsible local agencies" is clearly and definitely set forth in the following language: "That they will (a) provide without cost to the United States all lands, easements, and rights-of-way necessary for the construction of the project, except as otherwise provided herein; (b) hold and save the United States free from damages due to the construction works; (c) maintain and operate all the works after completion in accordance with regulations prescribed by the Secretary of War."

It was further provided "that whenever expenditures for lands, easements, and rights-of-way by States, political subdivisions thereof, or responsible local agencies for any individual project or useful part thereof, shall have exceeded the present estimated construction cost thereof, the local agency concerned may be reimbursed one-half of its excess expenditures over said estimated construction cost." In other words, provision was made that the cost of the State's participation in the project should not in any event exceed the cost of participation by the Federal Government.

Under section 5 the act defined the participation by the Federal Government in these flood-control projects, viz, the construction by the Government of certain specific flood-control projects described in that section.

Congress recognized that the flood-control works on various of the river systems specified in the act would involve more than one State, and that in order to comply with the requirements of the act, and to effectuate its purposes, the interested States would have to enter into agreements concerning the terms and conditions upon which they might act jointly in giving the assurances required under section 3, and provide the necessary funds to carry out their part of the enterprise.

In the report of the Senate Committee on Commerce, accompanying H. R. 8455, the Flood Control Act, it was specifically stated:

"The committee has realized the difficulties which must accompany the execution of a flood-control project involving several States in securing proportionate cooperation from the States. But it has held that general legislation providing for Federal participation in flood-control projects should include a requirement for a substantial measure of local contribution in view of the local benefits which arise from the completed projects and to insure that no measure is undertaken without the full cooperation of local interests."

The House Judiciary Committee, reporting on the separate compact resolution (H. J. Res. 377), said:

"The testimony before the committee showed that one State alone could not arrange for a system of flood prevention or elimination of pollution of the Connecticut River, one of the three rivers. There will have to be a series of compacts or agreements to consider this subject, and possibly one or more commissions to

comprehensively study and prepare solutions and control and govern the improvements after they are completed."

And further:

"House Joint Resolution 377 grants the consent of Congress for the States, or any two of them, to negotiate and enter into agreements or compacts for regulating the flow, lessening flood damage, removing sources of pollution, and making other improvements on any streams.

"Such consent of Congress at this time is an expression of its interest in the subject matter, and is an invitation to the States to avail themselves of this constitutional method of settling interstate problems pertaining to flood control and elimination of pollution. In recent years Congress has passed many resolutions authorizing interstate compacts."

The Flood Control Act provided in section 4 for such interstate compacts as follows:

"The consent of Congress is hereby given to any two or more States to enter into compacts or agreements in connection with any project or operation authorized by this act for flood control or the prevention of damage to life or property by reason of floods upon any stream or streams and their tributaries which lie in two or more such States, for the purpose of providing, in such manner and such proportion as may be agreed upon by such States and approved by the Secretary of War, funds for construction and maintenance, for the payment of damages, and for the purchase of rights-of-way, lands, and easements in connection with such project or operation. No such compact or agreement shall become effective without the further consent or ratification of Congress, except—

Under conditions which have no application here, or would be considered by the States here involved.

The question of development of power by the United States, at the site of any of the projects defined in the act, or the expenditure by the United States of any money for that purpose, under the provisions of the act, was specifically excluded from its terms. The Senate Commerce Committee definitely foreclosed any possible controversy on that subject, when it said in its report:

"The committee found it advisable to exclude from the bill certain reservoirs included in H. R. 8455, most of which are associated with power development, since the inclusion of such reservoirs in a bill devoted to flood-control measures would not appear appropriate."

Although the sentiment in Vermont was not particularly favorable to any plan which would make the eastern part of the State a series of mere catch basins for the floodwaters of the Connecticut River drainage area, that would disrupt and in many instances dislocate our highway and transportation system, that would take some of the best of our agricultural lands for reservoirs and compel removal of villages, transplanting of our people, and the resulting economic loss to many communities, our relations with our sister States to the south were of the most friendly character. We were cognizant of the damage done to them by the drainage from our mountain sides and realized that if they were to get any measure of protection it must result from the detention of floodwaters within our borders and those of New Hampshire. As good neighbors, we were desirous of doing whatever lay in our power to assist them if it could be done without too great a sacrifice of our own interests, and if we might have some measure of control as to where these reservoirs should be located.

The interstate compact provided an ideal method for an attempt to solve this common problem. Consequently, upon the enactment of the Flood Control Act, commissioners were appointed by each of the four States to study the situation and negotiate a compact if a satisfactory solution could be worked out. The joint commission labored diligently through the summer and fall of 1936 but without tangible result. These discussions finally culminated in a conference between the Governors of the four States referred to and their representatives and the Secretary of War and his assistants and advisers at Hartford, Conn., on March 8, 1937. The conference was brought about at the suggestion of the Secretary of War, who advised that the President was deeply interested in the necessary agreement between the States and the Federal Government being effected at an early date. The whole subject matter was exhaustively discussed and explored, with particular reference to the policy of the United States as to the type, character, and utilization of dam and reservoir structures for which any appropriation to carry out the terms of the Flood Control Act on the part of the United States could be expended. The Secretary of War and his Chief of Engineers laid down and approved the policy subsequently incorporated in the compact and which would satisfy the requirements of the Federal Government.

Not only was this policy strictly in accord with the terms of the Flood Control Act, but it was the only practical, common-sense way to meet the situation. Unless the conservation and power values in these reservoir sites could be preserved and developed by the States or some agency designated by them, they would be gone forever. Once dams designed solely for flood-control purposes were erected, with no provision made for their further adaptation for conservation purposes, the entire value of potential power development vanished.

With this determination and declaration of policy, in the first instance by Congress as indicated in the Flood Control Act and

the report of the Senate Commerce Committee accompanying it, and the amendment hereafter referred to, and secondly, by the Secretary of War and the Chief of Engineers, the States had no part. They were invited by the terms of the Flood Control Act itself and urgently solicited by the President, the Secretary of War, and the Chief of Engineers to enter into a compact for the purpose of carrying out the Flood Control Act according to its terms and upon the conditions outlined therein, and by the further declaration of policy as expounded by the War Department, to whom Congress had delegated the administration and supervision of the law.

In absolute good faith they accepted this invitation. The representatives of the four States labored diligently for long hours, aided by the engineering and legal representatives of the War Department, to formulate a basis upon which they could mutually agree to recommend to their respective principals. The fact that four such individualistic States as those involved in this compact could reconcile their differences and arrive at a common basis for agreement, successfully negotiating what at times seemed almost insurmountable obstacles, and eventually unanimously propose a form of compact acceptable to the several legislatures of the respective States would seem to be sufficient evidence of their good faith, the sincerity of their intentions, and the conciliatory attitude with which they mutually approached such a difficult task.

With four States involved it was apparent that they could not act individually, but must operate through a common agency, which should be empowered to give the assurances required by the Flood Control Act, to acquire and hold the lands, easements, and rights-of-way necessary for the flood-control projects contemplated under the compact, to hold and save the United States free from damages due to the construction works, and to maintain and operate the works after completion, in accordance with regulations prescribed by the Secretary of War, and to accept moneys and funds contributed by the signatory States or any other source for the purpose of carrying out the terms of the compact.

Such an agency was created in the form of an interstate corporation, known as the Connecticut River Valley Flood Control Commission. Its organization, functions, powers, and duties were carefully set forth in detail; an initial plan for 8 of 11 designated flood-control reservoirs was promulgated and the type of development specified. The method of acquisition of lands, easements, and rights-of-way was provided, namely, by the State, through its own agencies and under its own laws, upon the requisition of the commission, payment to be made by the commission from funds contributed by the four signatory States. The items constituting "cost of acquisition" were carefully defined, and it was provided that upon the lands, easements, and rights-of-way being acquired, the State so acquiring them should convey the same by perpetual lease (999 years) to the commission for the purpose of flood control and for no other purpose, subject to certain conditions assuring reimbursement to the town wherein the lands were located for the tax loss occasioned by the taking, and the preservation of the esthetic conditions in the reservoir basins when drained. The apportionment of acquisition cost and annual maintenance and operation charges, including reimbursement for tax loss, was agreed upon and set forth, with a specific limitation of the maximum cost of acquisition for the initial plan, as well as of the long-range, comprehensive program of development contemplated under the compact. Various other details incidental to the functioning of the commission and its rights, duties, and liabilities were incorporated and having been completed in its final form and submitted to and final approval given by the War Department, the compact was then presented to the respective legislatures for action. With practical unanimity the members of the respective legislatures adopted and the Governors approved the compact as drafted and presented by the commissioners.

That the compact and all of its provisions were in exact accord with the Flood Control Act and with the then policy of the national administration as laid down by the Secretary of War and his Chief of Engineers, whom Congress, in accordance with its time-honored policy, had selected for that purpose when it committed Federal participation in these projects to their hands, let the Secretary of War himself be the witness. Having in mind that his representatives, legal and engineering, were present at every session during which the compact was being written; that they assisted in its preparation; that he was kept constantly informed of its progress; that before it was submitted to any of the four legislatures it was first approved by his Department; that the principal objections of the Federal Power Commission, which wrecked the realization of immediate flood control so much desired by the southern New England States, are that the States reserved to themselves the benefit of water conservation and power development, beyond what was required for flood control, and retained the title to the lands where are located the proposed reservoirs—the testimony of the Secretary of War is a valuable contribution to the subject matter of the controversy.

In a public address delivered at Washington on April 26, 1937, more than 2 weeks after Vermont had ratified the compact, enacted the necessary legislation to carry out its terms, appropriated the funds to comply on its part with its requirements, and had adjourned, referring to the Flood Control Act and the New England compacts, the Secretary said:

"Under the existing legislation the rights-of-way are furnished by the State or subdivisions thereof and remain the property of the State. In return the States should reserve for future develop-

ment the conservation values of the individual reservoirs. The flood-control program thus becomes a coordinate and comprehensive one for general conservation which will not only reduce the annual losses now sustained from floods, but will also return direct benefits to the areas in which the reservoirs are located.

"The War Department is gratified with the prompt action of the four New England States of Connecticut, Vermont, New Hampshire, and Massachusetts in agreeing to an interstate compact, which will permit their compliance with the requirements of local cooperation established in the Flood Control Act, and at the same time will reserve for the States the right to develop the reservoirs in the future for other and additional purposes, and which is now being submitted to the legislatures of the respective States for approval. This compact, if adopted by the States and approved by Congress, will point the way to a closer cooperation between the States and Federal Government in the execution of measures for the conservation and utilization of our natural water resources. These States desire to retain a measure of State control in reservoirs provided within their jurisdiction, as do the States of Pennsylvania and New York, who have already enacted legislation to provide for full cooperation with the Federal Government."

In the light of this plain and forthright declaration, so commendatory of the accomplishment of these four States, it is not particularly surprising that the people of New England were profoundly surprised and shocked when they learned of the objections interposed by a commission upon whom Congress had not imposed any duty concerning the Flood Control Act or its administration—objections which, when examined, prove to be without substance.

One of the most commonly asserted objections to these compacts, repeatedly reiterated, without semblance of foundation in fact is that they are power and not flood-control compacts. In no sense of the word are they power compacts. They do not undertake to provide for the production of power. They merely reserve to the States wherein the sites are located, the right, under certain conditions, to make available storage or power values, if any such there be after the primary purpose of flood control has been fully satisfied, and at the sole expense of the State or its agency. It must be remembered that the States, other than the one where is located the site, have no interest beyond flood control. Yet, under the agreement, they provide a portion of the acquisition cost and annual operating and maintenance expense for providing flood control at that particular site. The common agency of the four States is charged with the management, operation, and conduct of the flood-control enterprise. It holds title by perpetual lease to such of the lands, easements, and rights-of-way as are necessary for that purpose. It was imperative that it clearly appear that as to all other uses or purposes, in which no other State had any interest, the State where the lands were located retained to itself such values, to be utilized in such manner as lawfully might be, without interference from any other State or from the common agency. For that reason the much criticized article VIII was inserted in the compact.

It was recognized that at this state of our development there might be sites that would not be considered economically feasible for power development, but this compact was practically perpetual, and conditions might arise when power projects not now feasible would sometime be considered in a different light. Hence, after providing for notice to the United States, through its War Department before construction work started at any site contemplated, of a desire to utilize the conservation or power values, provision was made that the State might, at any time, avail itself of the reserved right, upon compliance with certain conditions as to payment of the added cost and expense, in accordance with plans approved by the Secretary of War. Then there was added a clause which removed all doubt as to the basis upon which the State could make these rights available. It was specifically provided:

"The terms and conditions under which any such signatory State shall make available the rights of water conservation, power storage, or power development herein reserved shall be determined by separate agreement or arrangement between such State and the United States."

It thus appears that whenever a State shall desire to develop power or utilize a site for the conservation of water, it must first go to the United States, through its proper agency, and agree upon the terms and conditions under which such action may be taken.

Although the then Chairman of the Federal Power Commission in the hearing before the House Flood Control Committee was not prepared to say that in his opinion the compacts had the effect of ousting the Federal Power Commission of its jurisdiction to license power projects at the sites designated in the compacts, the proponents of the compacts did not hesitate to state to the committee that there was no intent to deprive the Commission of that power, if it existed. In other words, if the Federal Power Commission, under existing law, had jurisdiction over these mountain streams there was absolutely nothing in the compacts which deprived the Commission of that jurisdiction.

Nor did the proponents of the compacts interpose the slightest objection to amending the ratification resolution, either as proposed by the War Department, which had previously placed its stamp of approval on the compact as written, or by committee members who desired to have it clearly appear that ratification of the compacts would not be deemed to waive, diminish, impair, or in any way affect the provisions of any existing Federal law, par-

ticularly the Federal Water Power Act of 1920, and the jurisdiction of the Federal Power Commission thereunder. To the contrary, they expressed entire approval of the addition of such clarifying amendment.

The Federal Power Commission and its representatives were not only unwilling to accept the assurance of the proponents of the compacts that there was no intent, because of any language in the compacts, to oust the Federal Power Commission of any jurisdiction which it had, but they declined to withdraw its opposition and accept the amendment proposed by the committee.

In view of the constant reiteration by members of the Commission and its counsel, concerning the "long declared policy set forth in the Federal Water Power Act of 1920" for the utilization of water resources on navigable streams in every part of the country, it might be pertinent to inquire in how many instances since 1920 the Commission has issued licenses for power projects on the main Connecticut River. It is believed that the records of the Commission will fail to disclose a single occasion where such a license was required, but the record will definitely show that in at least two instances the Commission has found that the river was not navigable, within the definition of the Federal Water Power Act, that its obstruction by dams would not in any way affect interstate or foreign commerce, and that licenses were not required.

If the obstruction of the main Connecticut River by the dam structure at Fifteen Miles Falls, which is infinitely larger than several of these compact dams put together, does not in any way adversely affect interstate or foreign commerce, how can the "long declared policy" of the Federal Government be seriously upset by the building of power dams on small mountain streams, some of which are twice removed as tributaries of the Connecticut River?

However, granting that it could be found that dams on these streams would affect interstate or foreign commerce, and that the Federal Power Commission's jurisdiction was unquestioned, then under the law, both with the compacts as written and with the ratification resolution as amended by the committee, licenses would be required from the Power Commission in the event the State or any other agency should desire to avail themselves of the reserved power, conservation, or storage rights. It is difficult to see how any State or group of States could, by any compact or legislative act, deprive the Power Commission of that right and authority.

As stated before, it is the reservation to the States, contained in article VIII of the power and conservation values in these sites beyond what was required for the primary purpose of flood control, that has occasioned the greater part of the opposition from the Power Commission. However, will anyone deny that under the Federal Water Power Act of 1920, as amended, a State has the right and authority to acquire the necessary lands and easements and construct a power development upon a stream to which the jurisdiction of the Power Commission extends, upon compliance with the terms of the act? The act specifically contemplates such action. Indeed, the Commission is bound to give preference to the States and municipalities in such development. Yet because this compact reserves to the States only a part of the right and authority which they would otherwise have, merely the opportunity to avail themselves at their own expense of the potential values remaining after the primary purpose of flood control has been fully preserved and satisfied, this materially impaired right to be exercised in exact conformity to the provisions of the Water Power Act, if applicable, the opponents of the compact argue that thereby the long-established Federal policy is violated and the Federal Water Power Act of 1920 is practically rendered nugatory. The mere statement of the proposition demonstrates its fallaciousness.

Notwithstanding the many loose statements so frequently and repeatedly made by some of those opposed to the ratification of the compacts by Congress, that they deprive the Federal Government of its long-established right to develop the potential power at these sites, no intelligent, honest-minded person, who is at all familiar with existing Federal legislation, will assume to assert that the Federal Government has authority under any existing law to develop a kilowatt of electricity at any one of the sites contemplated by these compacts. The Flood Control Act excludes such authority, as well as the expenditure of any funds of the United States for that purpose, and the Federal statutes will be searched in vain to find it elsewhere.

No more complete and authoritative statement of this proposition could be conceived or desired than the opinion of the general counsel of the Federal Power Commission, given on February 3, 1938, in response to the request of Congressman McCormack concerning the right of the Government to use these dams and reservoirs for the generation of power, in the event his bill (H. R. 8997) amending the Flood Control Act should become a law. Among other things, the following quotation from the opinion is particularly pertinent:

"There is no doubt in my mind that in the event this bill becomes law, none of the dams or reservoirs constructed under the Flood Control Act of 1936 as so amended could be utilized by the Federal Government, or by any agency or instrumentality thereof, for the generation and sale of power without further legislation by the Congress specifically authorizing such power development and sale."

Pointing out that clear congressional intent was revealed by the language of the act and by its legislative history, that such proj-

ects, so far as the Federal Government was concerned, were for flood-control purposes only, but that no further legislation was necessary to permit States, or their political subdivisions or even private persons to install and operate facilities for such development of power, upon compliance with the provisions of the Federal Power Act, he concluded:

"For the foregoing reasons, I am of the opinion that although the development of power at any of these dams constructed under the Flood Control Act of 1936 by States, their political subdivisions or private agencies, is authorized by existing Federal law, it would be necessary to enact further legislation to permit any agency of the Federal Government to use such dams for the generation and sale of power."

It would have been difficult for the most enthusiastic proponent of the compacts to have set forth in stronger or more concise and persuasive language than the statement above quoted the fundamental necessity for the inclusion of article VIII of the compact, reserving to the State, or such agency as it might designate, the right, at its own expense, to avail itself of the conservation, storage, or power development values in these sites, remaining after the requirements for flood control had been fully satisfied, and thereby preserve that which otherwise would be irrevocably destroyed and forever lost.

Nowhere in the Flood Control Act can there be found a suggestion or intimation that the States, political subdivisions, or local agencies are called upon to provide, "without cost to the United States, lands, easements, or rights-of-way" to enable the Federal Government to build for itself power or storage reservoirs or to enable it to develop power at any of these sites. On the other hand, it is clear from the act that Congress did not intend that these values should be lost, for it provided in section 5 that "pen stocks or other similar facilities adapted to possible future use in the development of adequate electric power may be installed in any dam herein authorized when approved by the Secretary of War upon the recommendation of the Chief of Engineers."

The Federal Government, being without power or authority to build other than flood-control structures and having no existing right to develop power at these sites, this provision could only have been inserted for the benefit of the States, political subdivisions or responsible local agencies, who retained whatever values there were beyond what was essential for flood control, when such development should be "approved by the Secretary of War upon the recommendation of the Chief of Engineers." This construction is made certain when the amendment of July 19, 1937, to the Flood Control Act (No. 208—75th Cong.; c. 511, sec. 1, 50 Stat. 515) is considered. Therein it is provided:

"... the plan for any reservoir project may, in the discretion of the Secretary of War, on recommendation of the Chief of Engineers, be modified to provide additional storage capacity for domestic water supply or other conservation storage, on condition that the cost of such increased storage capacity is contributed by local agencies and that the local agencies agree to utilize such additional storage capacity in a manner consistent with Federal uses and purposes."

It is repeatedly stated by those opposing the compact that, had the States acted in conformity with section 4 of the Flood Control Act and drawn such a compact as was there contemplated, it would not have required the further consent or ratification of Congress. Nothing could be further from the fact. After granting consent to the States to enter into compacts to carry out the purposes of the act, it is specifically provided:

"No such compact or agreement shall become effective without the further consent or ratification of Congress, except a compact or agreement which provides that all money to be expended pursuant thereto and all work to be performed thereunder shall be expended and performed by the Department of War. * * *

The general rule laid down therein specifically requires the "further consent or ratification of Congress." The exception to the general rule does not, and by the very nature of things cannot, apply here. Providing for the construction of an initial plan of eight reservoirs, this compact contemplates a long-range, comprehensive program for flood control on the Connecticut River and its tributaries and the enlargement and expansion of such projects to an ultimate control of approximately 21 percent of the drainage area. The operation and maintenance of the system of flood control is under the jurisdiction of the common agency of the four States, who share the annual cost. The Commission created under the compact as the common agency is required to make studies, in cooperation with the War Department, for the development of such comprehensive plan and to report and make recommendations from time to time to the signatory States.

Prior to the passage of the Flood Control Act of 1936, three flood-control reservoirs had been constructed or were under construction in the Winooski River Basin in Vermont, under contract between the State and the Government. The provisions for State and Federal participation were substantially identical with the language of the Flood Control Act. The State provided the lands, easements, and rights-of-way; the Government constructed the dam; and upon completion the State was obligated to take over and operate them at its own expense. In every instance the title was taken and is now held in the name of the State. No suggestion or intimation was ever made by anyone that the title should be in the United States.

At the hearings before the House Flood Control Committee, the unequivocal statement was made by a member of the committee,

and nowhere controverted, that in every instance, covering some 40 projects in which allotments had been made under the Flood Control Act, including reservoirs in several States, the States were taking title to the lands. Yet it is urged that a different rule should be applied to the New England States.

Up to now the Federal Government has followed a policy of aid to the States in matters in which they may be said to have a common interest, among which may be included flood control. Under this new dispensation advocated by the opponents of the compact, we are told that the States are to be permitted to contribute to the aid of Federal projects, for which, when completed, the States must assume the entire burden. Under this theory we have a Federal project to which the States have contributed the lands, paid all damages due to the construction work and for the operation of which, when completed, the Federal Government declines all responsibility. At least it has the dubious merit of being a somewhat novel departure from precedent.

But, of course, no such construction is permissible under any recognized rules of statutory construction. Nevertheless, it is interesting to note that for some unexplained cause the War Department has modified the policy which it promulgated at Hartford on March 8, 1937, and which its legal and engineering representatives assisted in writing into the compact with its unqualified approval, for on August 30, 1937, it issued an order that where authorized projects were for dams and reservoirs having potential power, the States' political subdivisions or local agencies would be "required to convey to the United States a clear and unencumbered fee simple title to the lands required for the dam structures and such contiguous land as may be necessary for the eventual construction of powerhouses, switching stations, and other appurtenances."

They are also required to convey by the same kind of title the lands for the reservoirs unless the Department, after investigation, determines to accept a perpetual flowage easement without any limitation or restriction whatever on the purpose for which the water is to be stored. It is intimated that if no potential power exists, such conveyance of title will not be required, and at this moment there are under construction in western Pennsylvania two flood-control reservoirs, built under the Flood Control Act, the title to which rests in the name of the State or its own agency.

Notwithstanding Congress has definitely stated in the Flood Control Act that the States are to provide, without cost to the United States, only such lands, easements, and rights-of-way as are necessary for flood control, and have excluded therefrom all power development, under this regulation, to avail themselves of the benefits of flood control, the States are compelled to turn over to the United States lands, easements, and rights-of-way greatly in excess of what is required for that purpose, at a vastly increased cost to the States, from which the States are not only to get no benefit, but will suffer serious detriment, and which under any existing Federal law the United States is powerless to utilize. It is respectfully submitted that there is a total lack of any legal basis for such construction of the act. Nor is there any language anywhere in the act which permits a distinction between project sites having potential power values and those which do not have such possibilities. Projects are not differentiated in any respect in connection with this subject. The same rule, in the same language, which applies to one applies to all, and this attempted distinction has no valid foundation.

That Congress may amend the Flood Control Act, completely reverse the policy so clearly adopted by its enactment, and eliminate every vestige of State participation in these projects, leaving the economic future of the States concerning their own natural resources subject to absolute domination by the Federal Government, is a possibility with which the country may be confronted. If so, interstate compacts as a method of solving regional problems will have become but a memory. Welcomed as a substantial contribution to the practical solution of the complex problems arising from what is left of our dual form of government, it will have proven to be only a delusion.

Meanwhile the ratifying resolutions, favorably reported by the Senate Commerce Committee, and by the House Flood Control Committee, which recommended a clarifying amendment reserving every jurisdiction, right, and duty which the Federal Government or any agency thereof had under any existing laws with respect to the subject matter, and of which no one interested in the drafting and adoption of the compacts ever had the slightest idea, intention, or desire to deprive it, lie dormant on the calendars of both Houses, their consideration successfully prevented, while the people of New England are no nearer to safety from destructive floods than when the Flood Control Act was passed 2 years ago. Still exposed to the ravages of floodwaters, such as engulfed them in the spring of 1936, with not a shovelful of earth yet turned for their protection, notwithstanding they have promptly and effectively met every requirement on their part to be performed, they will know where rests the responsibility for their unfortunate situation should another such disastrous calamity overwhelm them.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Kentucky [Mr. BARKLEY].

The amendment was agreed to.

Mr. CONNALLY. Mr. President, I desire to call the attention of the senior Senator from New Mexico to a matter. Earlier in the day the Senator offered an amendment, which was adopted, authorizing the Secretary of Agriculture to construct certain flood works on the Rio Grande and the Pecos River with a fund he already has. At the moment the amendment was called up I interrogated the Senator from New Mexico briefly, but I am constrained to move to reconsider the vote by which the amendment was agreed to unless I have assurances from the Senator that it will not interfere with the normal water supply of the Pecos River to points below the point which he has in mind.

Mr. HATCH. Mr. President, I am not an engineer—

Mr. CONNALLY. The Senator is a pretty good engineer, I think.

Mr. HATCH. But I have assurances that the normal supply of water will not be interfered with by any work contemplated under this particular project. At the time the Senator interrogated me this morning I did not know what project he had in mind, but I now recall what it is, and I make this suggestion to the Senator from Texas. We know the value of water to both of our States. If any conflict shall arise in the construction of the proposed project, due to the distribution of water, I will join the Senator from Texas in requesting a full and complete hearing before the Department so that the matter may be adjusted fairly.

Mr. CONNALLY. Mr. President, I thank the Senator from New Mexico for his assurance that in the event, during the process of the surveys and proposed projects on the Rio Grande and the Pecos Rivers, there should be a protest by interests in my State at points lower than where these projects are to be located, he will join me in asking the Secretary of Agriculture for a hearing and a development of the facts before the work on the projects shall be begun.

Mr. COPELAND. Unless the Senator is speaking directly to the bill—

Mr. CONNALLY. I am speaking directly to the bill.

Mr. COPELAND. I am very eager to get the bill passed tonight, because a conference will be necessary tomorrow.

Mr. CONNALLY. This is an amendment which has already been agreed to, and I am prepared to move to reconsider the vote by which it was agreed to unless I have assurances, from the Senator from New York also, that we will have a fair hearing before the Secretary of Agriculture regarding these projects.

Mr. COPELAND. What is the matter to which the Senator refers?

Mr. CONNALLY. I am referring to an amendment which the Senator from New York stated was a committee amendment which had been offered at the suggestion of the Senator from New Mexico [Mr. HATCH]. We do not want our rights to water foreclosed in the lower reaches of the valley by giving the Secretary of Agriculture power to erect the contemplated works before we have even had a survey, and know what the works are to be.

Mr. CHAVEZ. Mr. President, will the Senator from Texas yield?

Mr. CONNALLY. I yield.

Mr. CHAVEZ. The amendment was offered at the instance of the senior Senator from New Mexico [Mr. HATCH] and myself. The authority for the surveys is contained in a bill passed at the last session of Congress, which was sponsored by me, authorizing surveys of this type both on the Rio Grande and the Pecos. It was under that authority that the amendment was suggested, and I join my colleague in assuring the Senator from Texas that, inasmuch as we want Texas to get all the water from the Rio Grande and from the Pecos to which it is entitled, we will go with him to the Department of Agriculture, or to any other department here, to get the assurance that it will not interfere with any water supply to which Texas may be entitled.

Mr. CONNALLY. I thank the Senator.

Mr. SHIPSTEAD. Mr. President, I should like to have the attention of the chairman of the Committee on Commerce.

Mr. COPELAND. Just one moment, if the Senator will permit me. I am assured by the representative of the Army engineers that the thing the Senator from Texas fears will not be realized.

Mr. CONNALLY. The trouble is that under the amendment the Army engineers will not have anything to do with the matter, but the Secretary of Agriculture will have control. Has the Senator any assurance from the Secretary of Agriculture?

Mr. COPELAND. I have not any assurance from that source.

Mr. CONNALLY. I merely wish to say that if they start anything there will be a big fight.

Mr. SHIPSTEAD. Mr. President, if I may have the attention of the chairman of the Committee on Commerce, I find that while I was out of the Chamber an amendment was adopted on page 2, line 7, providing for payments to the extent of 70 percent in the case of certain structures, and that after the word "reservoir" the words "or channel improvements" have been added. What improvement of a channel would there be under flood control?

Mr. COPELAND. I suppose that would apply all through the Ohio Valley and the Mississippi Valley.

Mr. SHIPSTEAD. We improve a channel for the purpose of improving navigation, and I am wondering whether this amendment should not have appeared in the river and harbor bill, since it relates not to flood control but to navigation.

Mr. COPELAND. If the Senator will yield to me, I may say that I do not know what it means—

Mr. BARKLEY. The Senator suggested the language.

Mr. COPELAND. I know the limitation of it, but just exactly how far it will be carried out I do not know.

Mr. SHIPSTEAD. I wish to say a few words about the amendment. I doubt very much whether such an amendment should be adopted on the floor of the Senate at this time.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. SHIPSTEAD. Just allow me to complete my statement. There is involved here an age-long policy of the Congress.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. SHIPSTEAD. I yield.

Mr. COPELAND. It has no reference to the channel of a river.

Mr. SHIPSTEAD. What is it for, if it does not apply to channels of rivers?

Mr. COPELAND. It refers to diversion ditches in connection with flood-control work. I think I am speaking by the card when I say that it has no possible relationship to anything in which the Senator is particularly interested.

Mr. SHIPSTEAD. I want the RECORD to show that this shall not include relief from liability where structures are in the bed of a river below the high-water mark and property is held on revocable permits without a vested interest. Suits are now pending, and have been pending for years, in which liability on the part of the Government to the extent of millions of dollars is being claimed by owners of structures in the beds of rivers, where they are by sufferance of the Federal Government.

If structures owned by private parties or corporations who have a right-of-way, who have title, are to be moved, they ought to be paid, but when they have no title, when they are there by sufferance of the Government, as they are in the beds of rivers, would such a provision relieve them from moving their structures when they are requested to move them and the permits are revoked?

Mr. COPELAND. Mr. President, I assure the Senator, and I have the word of the Army engineers for it, that the matter the Senator has in mind relates to navigation. The measure before us relates to flood control, and there is no relation between what the Senator from Kentucky suc-

ceeded in putting into the bill and the matter the Senator has in mind.

Mr. SHIPSTEAD. I want it made clear if the Congress intends at any time to change the old policy which is now in effect, which is that the Government has the right to occupy the beds of its rivers at any time, without liability to any persons who occupy them.

If it is the intention to change that policy, we ought to know it. With the assurance that there is no such intention with respect to the pending measure, and that the bill does not change that age-long policy of the Government, I shall not ask for reconsideration of the amendment.

Mr. McKELLAR. I call the attention of the Senator from New York [Mr. COPELAND] to page 21, line 6:

Chattanooga, Tenn., and Rossville, Ga.

An amendment offered in that line was agreed to today.

I am informed that the sections involved are in the territory of the Chickamauga Dam, which is now being constructed under the Tennessee Valley Authority. I offer an amendment, to strike out the language in line 6, page 21, as follows:

Chattanooga, Tenn., and Rossville, Ga.

Including the amendment in that line which was agreed to earlier today.

Mr. COPELAND. I have no objection.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment was agreed to.

Mr. BILBO. At the request of and on behalf of the Senator from Georgia [Mr. GEORGE] I send to the desk an amendment which I ask to have stated. I understand that the chairman of the committee has agreed to accept the amendment and let it go to conference.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 23, after line 8, it is proposed to insert the following:

Clarks Hill Reservoir on the Savannah River in South Carolina: Estimated cost of land necessary for the construction of the project, including easements, rights-of-way, dam and reservoir sites, \$1,700,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. OVERTON. Mr. President, I offer an amendment, on page 2, line 8, after the word "by" to insert the words "the act of May 15, 1928, and."

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment was agreed to.

The PRESIDENT pro tempore. If there be no further amendments, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H. R. 10618) was read the third time, and passed.

Mr. COPELAND. Mr. President, I move that the Senate insist upon its amendments, ask for a conference with the House thereon, and that the Chair appoint conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. COPELAND, Mr. SHEPPARD, Mrs. CARAWAY, Mr. JOHNSON of California, and Mr. GIBSON conferees on the part of the Senate.

Mr. COPELAND. Mr. President, in order to insure the Executive approval of the bill, and to keep it from a veto, I express the urgent hope that the bill will be vetoed in view of the amendments we have put on it today.

Mr. BARKLEY. Mr. President, I understand the Senator from New York to make the statement that if the amendments which the Senate has adopted shall remain in the bill he hopes the President will veto it. That is a rather unusual statement to be made by a Senate conferee.

Mr. COPELAND. Mr. President, I do not think I said quite that. I did ask that a statement about an amendment be inserted after the amendment of the Senator from Kentucky was offered.

Mr. BARKLEY. Yes.

Mr. COPELAND. Then I said, entirely independent of that, and speaking of the bill in its entirety as passed, that according to the statement of the President, as I understand his statement, the bill will be vetoed. I said further that in order that I might help keep it from being vetoed, for the sake of my friends, I would express the ardent desire that it should be vetoed.

Mr. BARKLEY. Mr. President, I did not want to misunderstand the Senator, but I got the impression that he said that he hoped it would be vetoed if certain amendments adopted by the Senate this afternoon were kept in the bill. If I misunderstood the Senator I, of course, apologize. It struck me as a rather unusual statement for one of the conferees to announce in advance that he would at least try to keep the Senate amendments from remaining in the bill, and that if they remained in it he hoped the President would veto it.

Mr. COPELAND. I will try to do the best I can as a conferee. I shall ask that the Senate insist on its amendments. I will do the best I can to keep the amendments in the bill. But I express the hope that if the amendments remain in the bill, the bill, with the amendments, will be vetoed.

Mr. BARKLEY. I do not have any authority to express any hope or opinion about it, except I hope that the amendments we have agreed to will be retained in the bill.

Mr. COPELAND. I will say this to my leader: If there is in the mind of the Senator from Kentucky any thought that I will not do my part, I shall ask to be relieved from service on the committee.

Mr. BARKLEY. No; I would not think of it. But the Senator's remark with respect to the amendments, showing his disapproval to the extent that he hoped the President would veto the bill if the amendments were kept in it, led me to make the reply which I did make. If I misunderstood the Senator, of course, I apologize.

AMENDMENT OF CIVIL-SERVICE RETIREMENT ACT

Mr. NEELY. Mr. President, I ask unanimous consent that after the reading of the Journal tomorrow the Senate proceed to the consideration of Senate bill 457, which has been on the Senate calendar since the 25th day of April. It is a bill to amend the Civil Service Retirement Act. It is of great importance to the Government and 500,000 civil-service employees. So far as I know only one Member of the Senate is opposed to this measure.

Mr. BARKLEY. Mr. President, I dislike to have to object to the request made by the Senator; but I have assured him time and again that I shall cooperate with him in an effort to obtain consideration of his bill. I hope it may be considered tomorrow. However, the program tomorrow is to proceed to consider the bankruptcy bill, which has passed the House, and must pass the Senate and go to conference.

The bill which the Senator has in mind has not passed the House. I have heretofore announced that we should give preference to bills which have passed the House so that they may go to conference and obtain consideration. I shall help the Senator to secure consideration of his bill tomorrow but I do not like now to make it the unfinished business ahead of the bankruptcy bill, which I do not think will take long.

I hope the Senator will not press his request. I desire to cooperate with him. I am for his bill, but it seems to me it is not quite the thing at this time to make it the unfinished business. I assure the Senator that I think his bill will be considered.

Mr. NEELY. Would the Senator object to a request for unanimous consent that the Senate proceed to the consideration of the bill immediately after the disposition of the bankruptcy bill?

Mr. BARKLEY. I have no objection to that procedure, so far as I can control it. I assure the Senator that he will be recognized to make a motion to do so. However, I think to give unanimous consent at this time would set a precedent which ought not to be set at this stage of the session. I assure the Senator that his bill will be given consideration, and I have no doubt it will be considered tomorrow.

Mr. NEELY. Mr. President, if the Senator from Kentucky objects, I shall be compelled to continue to wait, just as I have patiently waited for 6 weeks for a time when the Senate could, without friction, be induced to consider the bill.

Ninety percent of the Members desire to translate the bill into law. I sincerely hope that their desire may be gratified before the end of another day. In any event, I purpose to oppose to the limit of my capacity any motion for a sine die adjournment that may be made before this bill has been considered and an opportunity to vote for it has been afforded the 90 percent who are supporting it.

Mr. BARKLEY. I belong to that 90 percent, Mr. President.

MR. AND MRS. CHESTER A. SMITH

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3227) for the relief of Mr. and Mrs. Chester A. Smith, which were, on page 1, line 5, to strike out "\$5,000" and insert "\$3,000"; on page 1, line 7, to strike out "parents and guardians of Melford Smith"; on page 1, line 9, to strike out "who died"; on page 1, line 10, after "officer", to insert "while effecting his arrest"; and on page 1, line 11, after "1931", to insert ", at Englewood, Colo."

Mr. JOHNSON of Colorado. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

ELIZABETH CORY

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3512) for the relief of Elizabeth Cory, which was, on page 1, line 10, to strike out "bearing Army No. 24101" and insert "at the intersection of College Avenue and United States Highway No. 1, College Park, Md."

Mr. BARKLEY. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

INVESTIGATION OF AIR- AND OCEAN-MAIL CONTRACTS

Mr. AUSTIN. From the Special Committee to Investigate Air Mail and Ocean Mail Contracts, I ask unanimous consent to report a resolution. Because of the brevity of time in which to consider the resolution, I should like to have it printed in the RECORD and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

There being no objection, the resolution (S. Res. 295) was referred to the Committee to Audit and Control the Contingent Expenses, as follows:

Resolved, That in addition to the authority conferred upon the special committee of the Senate to investigate air-mail and ocean-mail contracts, created under Senate Resolution 349, Seventy-second Congress, second session, agreed to February 25, 1933, supplemented by Senate Resolution 94, Seventy-third Congress, first session, agreed to June 10, 1933, supplemented by Senate Resolution 143, Seventy-third Congress, second session, agreed to January 24, 1934, supplemented by Senate Resolution 259, Seventy-third Congress, second session, agreed to June 13, 1934, the committee shall have authority and is directed to preserve all of the records, papers, exhibits, documents, returns, reports, testimony, memoranda, accounts, figures, writings, books, correspondence, files, and all other property in its possession, acquired by it in pursuance of said resolution; and that said committee shall have authority and is directed to impound the same with the Sergeant at Arms of the Senate, who is directed to receive and keep the same for the use of the Senate, and of the departments of Government in the presence of the custodian, and for other uses only in compliance with subpoena duces tecum issued as provided for by law; and be it further

Resolved, That the expense incurred in carrying out this resolution shall be paid from the unexpended balance of funds authorized to be expended by Senate Resolution 259, Seventy-third Con-

gress, second session, agreed to June 13, 1934, on vouchers approved by the Sergeant at Arms of the Senate.

ANGELES NATIONAL FOREST

Mr. McADOO. Mr. President, I move that the Senate reconsider the vote by which House Bill 5685, relating to the Angeles National Forest, Calif., was passed, today being the last day on which such a motion may be made. I do not ask for consideration of the motion at the moment.

The PRESIDENT pro tempore. The Chair will state to the Senator from California that if the House has possession of the bill to which he refers, a request to have it returned to the Senate by the House will be necessary.

Mr. McADOO. I so move, Mr. President.

The motion was agreed to.

AMENDMENT OF TARIFF ACT OF 1930—CONFERENCE REPORT

Mr. WALSH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8099) to amend certain administrative provisions of the Tariff Act of 1930, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 26, 29, 44, 45, and 71.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 7, 8, 9, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 37, 38, 39, 41, 42, 48, 50, 52, 61, 68, 69, 72, 74, and 75; and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows:

On page 2 of the Senate engrossed amendments, line 4, strike out "reasonably"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with the following amendment: Retain the matter proposed to be inserted by the Senate amendment, and on page 5, line 4, of the House bill strike out "(E)"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with the following amendments: On page 3 of the Senate engrossed amendments, line 20, strike out "continuous customs custody"; and in lieu thereof insert the following: "bonded warehouses, bonded manufacturing warehouses, or continuous customs custody elsewhere than in a bonded warehouse"; on page 4 of the Senate engrossed amendments, lines 15 and 16, strike out "continuous customs custody"; and in lieu thereof insert the following: "bonded warehouses, bonded manufacturing warehouses, or continuous customs custody elsewhere than in a bonded warehouse"; on page 5 of the Senate engrossed amendments, line 9, after "Secretary of Commerce", insert the following: "that he has found"; and on page 5 of the Senate engrossed amendments, line 13, after "Treasury", insert the following: "that he has found"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with the following amendment: On page 11 of the Senate engrossed amendments, line 3, strike out "14", and in lieu thereof insert "13"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with the following amendment: On page 14 of the Senate engrossed amendments, line 18, strike out "27", and in lieu thereof insert "25"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with the following amendment: On page 15 of the Senate engrossed amendments, line 17, strike out "33", and in lieu thereof insert "31"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with the following amendments: On page 16 of the Senate engrossed amendments, line 2, strike out "34", and in lieu thereof insert "32"; and on page 16 of the Senate engrossed amendments, line 5, strike out "thirty", and in lieu thereof insert "fifteen"; and the Senate agree to the same.

Amendments numbered 65 and 66: That the House recede from its disagreement to the amendments of the Senate numbered 65 and 66, and agree to the same with the following amendment:

Beginning with the word "but" in line 17, page 33, of the House bill, strike out all down to and including "articles," on page 34, line 2, and insert in lieu thereof the following: "but such duties shall not be levied or collected on any merchandise (except white soft wastes, white threads and noils, which shall be dutiable at seven-eighths of such regular duties when used or transferred for use otherwise than in the manufacture of the enumerated articles) resulting in the usual course of manufacture of such enumerated manufactured articles which cannot be used (with or without fur-

ther preparation) in the usual course of the manufacture of such enumerated articles, or which is exported or destroyed"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76 and agree to the same with the following amendment:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "That (a) in the case of articles acquired in any country other than a contiguous country which maintains a free zone or free port, the exemption authorized by the preceding proviso shall apply only to articles so acquired by a returning resident who has remained beyond the territorial limits of the United States for a period of not less than forty-eight hours and (b) in the case of articles acquired in a contiguous country which maintains a free zone or free port, the Secretary of the Treasury shall by special regulation or instruction, the application of which may be restricted to one or more individual ports of entry, provide that the exemption authorized by the preceding proviso shall be applied only to articles acquired abroad by a returning resident who has remained beyond the territorial limits of the United States for not less than such period (which period shall not exceed twenty-four hours) as the Secretary may deem necessary in the public interest or to facilitate enforcement at the specified port or ports of the requirement that the exemption shall apply only to articles acquired as an incident of the foreign journey: *Provided further*, That the exemption authorized by the second preceding proviso shall apply only to articles declared in accordance with regulations to be prescribed by the Secretary of the Treasury by a returning resident who has not taken advantage of the said exemption within the thirty-day period immediately preceding his return to the United States: *Provided further*, That no such special regulation or instruction shall take effect until the lapse of ninety days after the date of such special regulation or instruction"; and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77 and agree to the same with the following amendment: On page 39 of the House bill, strike out lines 17 to 19, inclusive, and insert in lieu thereof the following:

"Sec. 37. Sections 31 and 34 of this Act shall take effect on the date of enactment of this Act. Except as otherwise especially provided in this Act, the remainder of this Act shall take effect on the thirtieth day following the date of its enactment."

And the Senate agree to the same.

Amendments numbered 27, 28, 30, 31, 32, 34, 35, 36, 40, 43, 46, 47, 49, 51, 53, 54, 56, 57, 58, 59, 60, 64, 67, 70, and 73:

That the House recede from its disagreement to the amendments of the Senate numbered 27, 28, 30, 31, 32, 34, 35, 36, 40, 43, 46, 47, 49, 51, 53, 54, 56, 57, 58, 59, 60, 64, 67, 70, and 73, and agree to the same with amendments, as follows:

In lieu of the matter proposed to be inserted by the Senate amendments, insert 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 33, 34, 35, and 36, respectively; and the Senate agree to the same.

The committee of conference have not agreed on amendment numbered 12.

DAVID I. WALSH,
TOM CONNALLY,
JOSIAH W. BAILEY,
BENNETT CHAMP CLARK,
A. H. VANDENBERG,
Managers on the part of the Senate.
THOMAS H. CULLEN,
MORGAN G. SANDERS,
JOHN W. MCCORMACK,
HAROLD KNUTSON,
Managers on the part of the House.

The report was agreed to.

PROGRAM COMMEMORATING THREE HUNDREDTH ANNIVERSARY OF FIRST PERMANENT SETTLEMENT OF DELAWARE VALLEY

Mr. LUNDEEN. Mr. President, there is a great deal of interest in the program commemorating the three hundredth anniversary of the first permanent settlements of the Delaware Valley, to be celebrated on June 27 to 30, 1938. The program is as follows:

COMMEMORATIVE SERVICES AT THE ROCKS

The climax of the commemoration of the three hundredth anniversary of the first permanent settlement of Delaware Valley by Sweden will be the dedicatory services at 11 a. m., Eastern Standard time, on June 27 at The Rocks, Wilmington, Del., where the Swedes first landed. Here stood Fort Christina, in the shadow of Old Swedes Church.

His Royal Highness the Crown Prince of Sweden and Her Royal Highness the Crown Princess and the official Swedish delegation will arrive at The Rocks by water on the *Kungs-holm* and will be met by President Roosevelt and the official United States delegation.

REPRODUCTION OF THE SWEDISH "MAYFLOWER"

A monument of black marble containing a reproduction of the *Kalmar Nyckel*, the Swedish "*Mayflower*," under full sail, the gift of the Swedish people to the United States, will be unveiled by the Crown Prince of Sweden. This unique and artistic statue is the work of the famous sculptor, Carl Milles.

PRESIDENT ROOSEVELT WILL ACCEPT STATUE

The President of the United States, Franklin Delano Roosevelt, will accept the statue on behalf of the American people and will present the monument to the State of Delaware. The United States Delaware Valley Tercentenary Commission will represent the Congress of the United States.

The President of the United States will greet the Swedish delegation.

The Crown Prince and the Crown Princess will represent the Swedish Government.

Wilmington, Del., program, June 27.

Philadelphia, Pa., program, June 28 and 29.

There is much interest in the personnel and their descendants of these various expeditions. We are just beginning to discover their great contribution to American liberty. America will gather at Wilmington and Philadelphia in person and in spirit in these days of June 1938, 300 years after their landing on the Delaware to found permanent settlements, courts, churches, schools, and forts. These shrines now belong to all our people—with Jamestown, Plymouth Rock, and New Amsterdam and all the shrines of French and Spanish settlers in the Western Hemisphere.

WILMINGTON THE CRADLE OF CIVILIZATION IN DELAWARE VALLEY

It is indeed fitting that this commemoration should have its climax at The Rocks, where these courageous pioneers first landed on American soil on March 29, 1638, after a perilous and stormy voyage across the Atlantic. They were the vanguard of 11 subsequent expeditions from the mother country to New Sweden. It is here that they built the first permanent settlement at Fort Christina and erected the first house of worship on the Delaware. The first church, or Old Swedes Church, still stands on the brow of a nearby hill and is still in continuous use as a place of religious service.

IN THE SHADOW OF OLD SWEDES CHURCH

The monument will stand in the shadow of the church, symbolic of the deeply spiritual and religious character of these intrepid pioneers. The interior of the church still retains the decorative religious symbols, beautifully carved by the skilled hands of the devoted members of the congregation.

It is fitting, too, that the highest representatives of the nation of their forefathers will be present to represent the Government of Sweden and to personally present to our country the artistic gift of the people of Sweden.

DELAWARE FIRST TO ADOPT THE CONSTITUTION

It is equally fitting that the Chief Executive of the United States should be present to accept this gift on behalf of our citizens, who are the beneficiaries of this pioneer civilization in the Delaware Valley. Delaware is indeed hallowed ground and it was the descendants of these people who were the first to adhere to the American Constitution and who proudly proclaim that they will be the last to desert the Constitution. The star of Delaware first pierced the blue in the American flag.

TENTATIVE PROGRAM—NEW SWEDEN TERCENTENARY CELEBRATION—
JUNE 27-30

The following is the tentative program for the commemoration of the Delaware Valley Tercentenary, June 27-30, 1938:

JUNE 27—WILMINGTON, DEL.

11 a. m. eastern standard time: His Royal Highness the Crown Prince of Sweden, the Crown Princess, and the Swedish official delegation will arrive at The Rocks, at Wilmington, Del., where they will be met by President Roosevelt and an official United States delegation. The Kalmar Nyckel Monument will be unveiled and presented by the Crown Prince as a gift from the people of Sweden to the people of the United States. President Roosevelt

will make the speech of acceptance and present the monument to the State of Delaware. It will be accepted by Gov. McMullen, of Delaware. After the ceremony there will be an opportunity for all to view the monument.

Religious services at Old Swedes Church

12 noon, eastern standard time: Following the unveiling ceremonies there will be a brief religious service in the Old Swedes Church at Wilmington, the royal party will attend. Amplifiers will carry this service to those outside the church.

1 p. m., eastern standard time: Luncheon for the official delegation at the Dupont Hotel, and a state luncheon for the Swedish visitors at the armory.

3:30 p. m., eastern standard time: Exercises in Rodney Square, Wilmington; addresses by the Crown Prince, Secretary of State Hull, and the Governor of Delaware, followed by parade and historical floats.

In the evening: The State of Delaware will give a lawn party to the Swedish guests at Longwood.

JUNE 28—PHILADELPHIA, PA.

7 a. m.: Yacht squadron of Pennsylvania Three Hundredth Anniversary Commission meets the *Kungsholm* in the Delaware River off Wilmington to escort official delegations and visitors to League Island Navy Yard.

10 a. m.: Reception to official delegations at League Island Navy Yard by Governor Earle and the Commonwealth officials and the Pennsylvania Three Hundredth Anniversary Commission, with military and naval detachments and navy-yard officials cooperating. Leave 11:05 a. m.

10 a. m.: Swedish organizations in America form at Broad Street and Oregon Avenue for parade to entrance to navy yard to welcome official delegations as they pass out of navy yard on way to American Swedish Historical Museum. They will form lines on Broad and Nineteenth Streets, through which the Swedish and Finnish delegations and escorts will pass. Parade sponsored by the Swedish American Tercentenary Association.

Dedication of American Swedish Museum

11:15 a. m.: At American Swedish Historical Museum, Nineteenth Street and Pattison Avenue, for dedication of the museum, with official delegations cooperating with the American Swedish Historical Foundation. Leave 12:30 p. m.

12:45 p. m.: Leader of official delegation arrives at home of Mrs. George H. Earle, Sr., Nineteenth and Rittenhouse Square. Leave 1:20 p. m.

12:45 p. m.: Official delegations arrive at Bellevue-Stratford Hotel for refreshment. Leave 1:20 p. m.

Swedish Colonial Society luncheon

1:30 p. m.: At Penn A. C. for luncheon to official delegations, tendered by the Swedish Colonial Society and by the Pennsylvania Historical Society. Leave 3 p. m.

1:30 p. m.: Luncheon to Swedish visitors by the Pennsylvania Three Hundredth Anniversary Commission. Leave 3 p. m.

3:15 p. m.: Leader of official delegations call upon mayor of Philadelphia at city hall. Leave 3:25.

3:15 p. m.: Mrs. Earle and wife of leader of official Swedish delegation return to home of Mrs. Earle, Sr. Leave 3:45.

3:55 p. m.: Leader of official Swedish delegation returns to home of Mrs. Earle, Sr. Leave 3:45.

Services at Gloria Dei (Old Swedes) Church

4 p. m.: Leader of official Swedish delegation and the delegation arrive at Gloria Dei (Old Swedes) Church at Water and Swanson Streets, where Archbishop of Upsala will deliver address with choir in attendance. Leave 4:15.

4:45 p. m.: Official delegations at American Swedish Historical Museum, Nineteenth and Pattison Avenue, for reception and tea tendered by Swedish American Tercentenary Association. Leave 5:30.

5:15 p. m.: Archbishop of Upsala visits Christ Church, Bridgeport, Pa., for exercises similar to those at Gloria Dei. Leave 5:45.

5:45 p. m. (optional): Leader of official Swedish delegation at Penn A. C. for informal swim and relaxation as guest of Commissioner John B. Kelly, while other members of the official delegation proceed to the various homes of their hosts for refreshment. Leave 6:30 p. m.

6:35 p. m.: Leader of official delegation arrives at home of Mrs. Earle, Sr. Leaves 7:05 p. m.

Augustana-Lutheran Convention

7:15 p. m.: Leader of official delegation arrives at convention hall to open Augustana-Lutheran Convention. Leave 7:40 p. m.

7:55 p. m.: Banquet to official delegations by the Commonwealth of Pennsylvania with the leader of the official delegation escorted to Mrs. Earle, Sr.'s home at its conclusion.

JUNE 29—PHILADELPHIA, PA.

Dedication of Governor Printz Park

9:30 a. m.: Dedication of Governor Printz Park at Tinicum Island with official delegations in attendance as park is officially presented to the Commonwealth of Pennsylvania by the Swedish Colonial Society with formal acceptance on behalf of the Commonwealth by Governor Earle. Brief address by leader of the official Swedish delegation and inspection of excavations on the island and colonial relics in the museum of the Corinthian Yacht Club. Leave 10:30 a. m.

Visit to John Morton House

10:35 a. m.: Inspection of the John Morton House by the official delegations and Swedish visitors. Leave 10:45 a. m.

11 a. m.: Leader of the official delegation received by the mayor of Chester at City Hall, Chester, Pa. Leave 11:15 a. m.

11:20 a. m.: Official delegations and Swedish visitors proceed to Westinghouse Lester plant. Leave 12 noon.

12:15 p. m.: Official delegations visit St. James Church, Kingessing, with address by Archbishop of Upsala, with choir in attendance. Leave 12:30 p. m.

Swedish delegation at home of Mrs. Earle, Sr.

12:45 p. m.: Leader of official delegation arrives at home of Mrs. Earle, Sr., where the First Troop, Philadelphia City Cavalry, and Governor's Troop, Pennsylvania National Guard, report as military escort. Leave 1:05 p. m.

1:20 p. m.: Leader of official delegation with suite, escorted by Cavalry troops, arrive at Pennsylvania Museum of Art for luncheon at 1:30 p. m. Visitors and delegations participate in buffet luncheon. Leader of delegations and suite, with the Pennsylvania Three Hundredth Anniversary Commission will be served luncheon Leave 2:15 p. m.

Swedish and Finnish diplomats and scholars decorated

2:15 p. m.: Luncheon concludes and official delegations and luncheon guests assemble in museum as Temple University confers degrees on the leader of the Swedish delegation: Dr. E. Rudolf W. Holsti, Finnish Minister of Foreign Affairs; Mr. Vajjo P. Hakilla, Speaker of Parliament in Finland; and Mr. Erro Jarnfelt, Minister of Finland to the United States. Leave 2:30 p. m.

Exhibition of Swedish art

2:35 p. m.: Leader of official Swedish delegation opens exhibition of Swedish art in the museum. Escorted from museum by Cavalry troops. Leave 3:20 p. m.

3:30 p. m.: Official delegations arrive at University of Pennsylvania to be received by a guard of honor composed of Boy and Girl Scouts on the steps of the Archeological Museum.

Honor Swedish delegation and Swedish Minister

3:45 p. m.: Conferring of degrees on the leader of the official Swedish delegation, J. Sigfrid Edstrom, chairman of the Royal Swedish New Sweden Commission, and Wollmar Filip Bostrom, Swedish Minister to the United States, by the University of Pennsylvania, at Irvine Auditorium, at Thirty-fourth and Spruce Streets.

4:15 p. m.: Reception and tea at the Archeological Museum at the University of Pennsylvania to the official delegations, tendered by the Pennsylvania Three Hundredth Anniversary Commission, the Swedish Colonial Society, the Pennsylvania Federation of Historical Societies, and the Society of Colonial Wars. Escorted by troops. Leave 5:45 p. m.

6 p. m.: Leader of official Swedish delegation arrives at home of Mrs. Earle, Sr., where military escort is dismissed. The ensuing period can be used for relaxation or an optional visit and swim at Penn A. C. Delegation members go to hosts' homes. Leave 7:35 p. m.

7:45 p. m.: Dinner at Convention Hall for the official delegations tendered by the Swedish-American Tercentenary Association, with musical program to follow dinner.

JUNE 30

Celebration and commemorative services at Salem, N. J.

JULY 1, 2, AND 3

The royal party and official delegations will attend official functions in Washington, including visit to Mount Vernon, luncheons and dinners at the Swedish and Finnish Legations, and attendance at religious services.

PHILADELPHIA—CRADLE OF LIBERTY

The Nation is proud to join with Pennsylvania in this tercentenary commemoration of the founding of the Keystone State. In so doing, the Nation quickly recalls the high place which Pennsylvania holds in the roster of the Original States. It has been aptly stated that the United States was born on Pennsylvania soil.

The Articles of Confederation were adopted in Philadelphia, the Declaration of Independence was written and signed in that city, the treaty of peace that terminated the Revolutionary War was ratified there, and the Constitution of the United States was formulated in the city of Philadelphia.

FIRST SCHOOLS, FIRST CHURCHES, FIRST LAW COURTS

It is also recalled that the pioneer settlers of New Sweden established there the first schools, the first churches, and the first law courts and firmly erected a new civilization in the Delaware Valley and founded a culture which was supplemented in later years by the Dutch and William Penn. Sweden may therefore be proud that it was her sons that placed two new stars in the American flag—Delaware and Pennsylvania—and aided in fixing two other stars in the

firmament of the American Union—New Jersey and Maryland.

JOHN MORTON AND JOHN HANSON

Memory also calls to mind the fact that a direct descendant of one of the pioneer colonists, John Morton, cast the deciding vote for the Declaration of Independence and that John Hanson, also a direct descendent of one of these settlers, was the first President of the United States under the Articles of Confederation, our first written Constitution, and that he led a long and determined fight in the Continental Congress which resulted in ceding to the Union the western domain, which now includes the States of Ohio, Indiana, Michigan, Illinois, Wisconsin, and Minnesota.

Philadelphia holds that beautiful shrine of worship, Gloria Dei, "Old Swedes Church." This church was an old landmark in Philadelphia when the founding fathers met to adopt the Declaration of Independence.

FIRST FAMILIES OF PENNSYLVANIA AND DELAWARE

It is interesting not only to genealogists but to students of history also to record the names of the heads of families in New Sweden. History should not obscure the founders of a state and of a nation. The names should be recited so that posterity may have occasion to call the roster of those who carved a civilization out of a wilderness and established a culture of which we are the fortunate beneficiaries.

NAMES PRESERVED BY THE SWEDISH CHURCH

The record of the Swedish Church in the Delaware Valley has been preserved by the historians of the church. It is to these records, particularly the record of Citizen Rudman, that we are indebted for the following list of Swedish families which resided in New Sweden in the year 1693. The list states the names of the heads of the families with the number of individuals in each family. It may be assumed that the members listed were communicants of the Swedish Church.

FIRST FAMILIES OF NEW SWEDEN (DELAWARE AND PENNSYLVANIA)—
PIONEERS IN THE NEW WORLD

Heads of families:	Persons
Peter Rambo, Sr.	2
Peter Rambo, Jr.	6
John Rambo	6
Anders Rambo	9
Gunnar Rambo	6
Capt. Lars Cock	11
Eric Cock	9
Mans Cock	8
Johan Cock	7
Gabriel Cock	7
Anders Bengtson	9
Anders Bonde	11
Sven Bonde	5
Johan Svenson	9
Gunnar Svenson	5
Michel Nielson	11
Anders Nielson	3
Brita Gostasson	6
Gosta Gostasson	8
Jonas Nielson	4
Niels Jonason	6
Mans Jonason	3
Anders Jonason	4
Jon Jonason	2
Hans Jonason	11
Mans Staake	1
Peter Staake	3
Marten Martenson, Sr.	3
Marten Martenson, Jr.	10
Mats Martenson	4
Otto Ernest Cock	5
Anders Persson Longacker	7
Peter Jockom	9
Johan Bonde	1
Johan Schute	4
Mats Hollsten	7
Johan Stille	8
Anders Wihler	4
Mans Gostasson	2
Niels Larian	5
Eric Mollica	8
Jonas Kyn, or Keen	8
Mats Kyn	3
Bengt Bengtson	2
Christian Clason	7
Nels Gastonberg	8

Heads of families—Continued.

	Persons
Eric Gastonberg	7
Lars Bure	6
Lars Johanson	6
Dirich Johanson	5
John Johnson	2
Peter Stelman	4
Frederick Konigh	6
Elias Toy	4
Jons Stelman	4
Casper Flisk	10
Stapham Ekhorn	5
Peter Dalbo	9
Otto Dalbo	7
Johan Matson	11
Antony Long	3
Nels Matson	3
Israel Helm	5
Anders Homman	9
Olle Dirickson	7
Anders Lock	1
Mans Lock	1
Hans Petterson	7
Hindrich Collman	1
Jons Gostasson	3
Johan Hoppman	7
Frederick Hoppman	7
Anders Hoppman	7
Nicolas Hoppman	5
Mans Hollton	9
Johan Anderson	9
Olle Pehrsson	6
Lars Pehrsson	1
Hans Olofson	5
William Tally	7
Morten Knutsson	6
Nils Trende's widow	7
Anders Trende	4
Reiner Peterson	2
Anders Hindrickson	4
Johan Von Culen	5
Hindrick Fiske	5
Johan Hindrickson	5
Johan Arian	6
William Cobb	6
Hans Keen's widow	5
Christin Stalco	3
Lucas Stedham	7
Lyloff Stedham	9
Asmund Stedham	5
Adam Stedham	8
Benjamin Stedham	7
Brita Petterson	8
Joran Anderson	5
Broor Seneka	7
Jesper Wallraven	7
Jonas Wallraven	1
Conrad Constantine	6
Olle Thomasson	9
Peter Polsson	5
Johan Ommerson	6
Matthias De Foss	6
Christian Joransson	1
Carl Springer	5
Johan Anderson	7
Hindric Jacobson	4
Jacob Van Der Weer	7
Cornelius Van Der Weer	7
William Van Der Weer	1
Jacob Van Der Weer	3
Hans Petterson	5
Paul Petterson	3
Peter Petterson	3
Peter Manson	3
Johan Manson	5
Hendric Tossa	5
Johan Tossa	4
Thomas Jonson	1
Jacob Clemson	1
Olle Rosse	5
Jacob Classon	6
Hendric Anderson	5
Hendrick Iwarson	9
John Skrika	1
Mats Skrika	3
Olle Paulsson	9
John Stelman	5
Hendric Parchon	4
Simon Johanson	10
Johan Grantom	3
Bengt Paulsson	5
Lasse Kempe	6
Gustaf Paulsson	6
Hans Gostasson	7
Peter Stalco	6

Heads of families—Continued.

	Persons
Joran Bagman	3
Eric Joranson	2
Joran Joranson	1
Lorentz Osterson	2
Johan Hindricson	6
David Hindricson	7
Carl Petterson	5
Isaac Savoy	6
Olle Fransson	7
Lars Petterson	1
Mats Repott	3
Olle Stobe	3
Mats Stork	3
Johan Stalco	6
Israil Stork	1
Paul Mink	5
Johan Schrage	6
Nils Repott	3
Hindrick Jacob	1
Mats Jacob	1
Anders Sinnika	5
Johan Hinderson, Jr.	3
Anders Weinom	4
Lars Larson	1
Hindric Danielson	5
Olle Thorson	4
Jonas Skagge's widow	6
Lars Tossa	1
Mats Tossa	1
Staphan Joranson	5
Lars Larsson	7
Joran Ericson	1
Jacob Hindricson	5
Peter Lucason	1
Lucas Lucason	1
Hans Lucason	1
Olle Kuckow	6
Hindrich Slobey	2
Christopher Meyer	7
Hindrick Larsson	6
Mats Ericson	3
Eric Ericson	1
Thomas Dennis	6
Anders Robertson	3
Robert Longhorn	4
Anders Didrickson	1
Christiern Thomas's widow	6
Paul Sahlunge	3
Lars Halling, or Huling	1

Making 139 families, 939 individuals.

Of the foregoing list 39 were native Swedes, of whom Peter Rambo and Andrew Bonde had been in this country 54 years.

TRANSFORMATION OF NAMES

It will be noted how much the orthography of many of the above names has changed in the progress of time. Bengsten is now Bankson; Bonde has become Boon; Svenson, Swanson; Cock, Cox; Gostasson, Justis; Jonasson, Johnson; Jocom, Yocum; Hollsten, Holstein; Kyn, Keen; Hoppman, Hoffman; Von Culen, Culin; Halling, Huling or Hewlings; Wihler, Wheeler; Hinder, Hinderson, Henderson; Mortenson, Morton, and so forth. Many of the names still retain their original spelling without any variation, and some have been only slightly changed by omitting one letter or adding one. Some of the families by 1693 had moved to Maryland, New Jersey, and Virginia. The names, almost without exception, are truly Swedish.

As to Christian names: Anders is now Andrew; Johan, John; Matts, Matthias; Carl, Charles; Bengt, Benedict; Nils, Nicholas; Staphan, Stephen; Wilhelm, William, and so forth.

SWEDISH COLONIAL SOCIETY

It would be highly interesting to trace the descendants of the above-named settlers and, of course, geneologists have traced many of them. The Swedish Colonial Society of Philadelphia, whose membership is composed of descendants of the settlers of New Sweden, has accomplished considerable in this direction in connection with the membership of their society. It is, of course, impractical in a general outline to make special reference to these descendants, however, it is appropriate to discuss the career of one of the most outstanding of these descendants and one whose labors contributed in a very unusual manner to the establishment of our Government. I refer to a famous descendant of a first family of New Sweden, John Morton, a Member of

the Stamp Act Congress in New York in 1765, a Member of the Continental Congress, a signer of the Declaration of Independence, and who, history records, cast the deciding vote for that Declaration.

JOHN MORTON, MEMBER OF THE FIRST CONTINENTAL CONGRESS;
SIGNER OF THE DECLARATION OF INDEPENDENCE

MORTON CASTS THE DECIDING VOTE FOR THE DECLARATION OF INDEPENDENCE

John Morton by his action in casting the deciding vote for the Declaration of Independence in the Pennsylvania delegation gave substance to the title which has been conferred upon the State of Pennsylvania, namely the "Keystone State." Morton by his action placed the keystone in the arch of liberty.

Morton was one of the earliest advocates for independence in the State of Pennsylvania, and his early revolutionary activities obliged him to sacrifice political office because originally the sentiment for independence in Pennsylvania, particularly among the political leaders of that time, was divided. He never wavered or faltered in his adherence to his principles.

MORTON SUPPORTED UNPOPULAR CAUSE

Morton's actions were later applauded by his colleagues. It required personal sacrifice on the part of Morton to advocate revolutionary action because he was at that time a man of wealth and position so that if the revolutionary cause should have failed he would have been obliged to sacrifice all of the material things which he had acquired in a lifetime of labor.

His position also was indicative of an almost stubborn adherence to principles because prior to 1670 his views were shared by a small minority of the intellectual and political leaders of Pennsylvania.

HEREDITY OF JOHN MORTON

Morton Mortenson, the great grandfather of John Morton, sailed from Sweden on the ship *Orn* which left Gothenburg on February 2, 1654. There were other distinguished passengers on this ship including Pehr Lindestrom, the famous engineer and cartographer. Lindestrom has written a very interesting account of the colony. Another distinguished passenger was the Reverend Mathias Nertunius who later became the pastor at Upland, now Chester in Pennsylvania.

A STORMY VOYAGE

The ship *Orn* had a very stormy and adventurous voyage and many members of the crew died during the voyage because of tropical diseases. Rising, who was the leader of the expedition which sailed on the *Orn* and who later became Governor, attacked Fort Casimir on the western shore of the Delaware on the voyage to Fort Christina.

After capturing the fort, the *Orn* proceeded to Christina, where it arrived on the 22d of May 1654. It will be seen that Morton's first American ancestor was a hardy individual to have survived the experiences of the voyage and the subsequent trials and tribulations as a pioneer colonist on a new frontier.

BIRTH OF JOHN MORTON

John Morton was born in 1724, after the death of his father, in a log house near the old Morris Ferry—now the Darby Creek Bridge about one-half mile north of Essington railroad station in Delaware County, Pa. This log house was built in 1694. He was the son of John Morton and Mary Archer. Morton's father was a landowner and left his widow a fairly substantial dower and his son a modest patrimony.

History records that Morton's early schooling was very brief; in fact, his formal education covered a period of about 3 months. However, he was a prodigious reader and a man of an inquiring mind, and his knowledge of statecraft, engineering, and law was acquired by experience and self-education.

MORTON'S SWEDISH CHARACTERISTICS

Morton received some tutoring in surveying from his stepfather, John Sketchley, who followed that profession. Sketchley was an educated man and no doubt aided in the direction of Morton's scholarly pursuits. It is reported that

Morton had the Swedish characteristics of a fondness for precision and an inquiring disposition.

He was a forceful speaker and it is said that he spoke equally well in both the American and Swedish tongues. It will be recalled that a large element of the people at that time still spoke the Swedish language and many of the customs of their native land were still prevalent.

HE BECOMES A SURVEYOR

Morton's first occupation was that of a surveyor—a profession of high standing. He acquired the knowledge of mathematics, which was essential to surveying, by self-education. The land records of Delaware County, Pa., and the contiguous territory disclose that he surveyed many tracts of land, including land on Tinicum Island. He did not remain in this profession for long because he was soon called to one public office after another.

THE BEGINNING OF A PUBLIC CAREER

In 1757 he became a justice of the peace. He was elected high sheriff of Chester County in 1766. He served continuously as a delegate in the Pennsylvania Assembly from 1756–66, defeated in 1767 because of his opposition to the British Crown, but was reelected in 1769, and again served continuously for seven terms, and was ultimately elected speaker of that assembly on March 15, 1775. The minutes of the assembly show that he served on many of the important committees of that body.

He was appointed a judge in 1770 and served as President Judge of the Court of General Sessions and Common Pleas of the County and in April 1774 he was appointed as Associate Justice of the Supreme Court of Appeals of Pennsylvania. It will be observed that he held two or more offices concurrently.

DELEGATE TO THE STAMP ACT CONGRESS

The public activities of John Morton led to his election as a delegate to the Stamp Act Congress in New York. History records that public sentiment at the time of this congress was greatly divided and apparently a majority of the political leaders of Pennsylvania at that time were opposed to the congress or at least opposed to the action which that congress ultimately took. The result was that the congress invoked a great deal of debate and bitter controversy and Morton at this time acquired the enmity and in some instances the active hostility of those who were loyal to the British Crown. This feeling among the Tory element in Pennsylvania resulted in Morton's temporary removal as a public officer. However, he acquired a very staunch friend in Benjamin Franklin who, upon hearing of Morton's dismissal, communicated with John Ross, in part, as follows:

The hasty setting aside of such magistrates merely for their political opinions is unfortunate. Please present my hearty respects to our friends Potts, Pawlin, and Morton. They do not, I dare say, sleep a jot the worse for this dismissal.

MORTON'S EXPERIENCE VALUABLE TO THE CAUSE

When the inevitable conflict with the British Crown reached its climax, Morton brought to the cause a mind skilled and sharpened by many parliamentary battles in the Pennsylvania Assembly. His service as a member of the assembly and subsequently as a speaker had developed a knowledge of parliamentary debate and his administration of his various political offices gave him a sound basis for his further participation in that struggle. There was no man among the founders and the signers of the Declaration of Independence, who had had more mature experience than that which John Morton had acquired during his public life.

THE CONTINENTAL CONGRESS

Morton was elected a Member of the first Continental Congress in 1774 and he was elected to the Second Continental Congress in 1775. The records of these Congresses disclose that his ability was recognized by his colleagues, as evidenced by his selection to fulfill many important assignments in that body. He was chairman of the Committee of the Whole on the adoption of a plan of confederation.

The Pennsylvania Assembly on June 16, 1776, instructed the delegates from that assembly to the Continental Congress, including John Morton, not to vote for a complete severance of the ties with the British Crown which was then under discussion. The delegates included Benjamin Franklin, James Wilson, John Morton, Thomas Willing, Charles Humphrey, John Dickinson, Robert Morris, Edward Biddle, and Andrew Allen. John Morton was the speaker of the assembly at the time these instructions were placed on the delegates, and he was opposed to those instructions. However, he felt that these instructions were not binding on the delegates, but were merely the expression of an opinion or sentiment on the part of the assembly.

PENNSYLVANIA DELEGATION IS SPLIT

Morton took the position that the delegates were free to vote their conscience. A test vote was had on the 1st of July 1776, and a majority of the delegates voted in accordance with the sentiment expressed by the assembly, but John Morton stubbornly insisted upon voting for independence. It appears, however, that Edward Biddle and Andrew Allen had resigned prior to the second vote on the resolution, and that John Dickinson and Robert Morris were absent from the session at the time the final vote was taken. It is intimated that John Dickinson and Robert Morris, feeling that the time was not ripe for a critical step, remained away from the session rather than to be recorded as being against the resolution for independence. It is possible that they may have felt that they were obliged to vote the sentiment expressed by the assembly; in any event the historians have agreed that Dickinson and Morris were absent either by reason of necessity or because they did not desire to record their vote at that particular time.

MORTON CASTS DECIDING VOTE IN DELEGATION

When the final vote was taken in the Pennsylvania delegation on the question of adopting the Declaration of Independence there were two votes in favor of adopting the Declaration—Benjamin Franklin and James Wilson—and there were two votes against the adoption, Thomas Willing and Charles Humphrey. Morton was chairman of the delegation and cast his vote along with that of Franklin and Wilson in favor of the adoption of the Declaration of Independence.

PENNSYLVANIA CASTS DECIDING VOTE IN CONGRESS

It will be recalled that the vote in the Congress on the question of the adoption of the Declaration was also evenly balanced and the vote of Pennsylvania was the deciding factor in the final vote. It was therefore John Morton's vote in the closely contested Pennsylvania delegation that not only decided the tie vote in that delegation, but it was the vote of Pennsylvania in the Congress that determined the final results on the question of the adoption.

The vote in Congress by States was 6 for adoption and 6 against, and John Morton, by casting the vote of Pennsylvania for adoption, broke the tie in the Congress.

MORTON AROSE FROM SICKBED TO VOTE

History records that John Morton, against the advice of his physician and family, arose from a sickbed to attend this critical meeting. It is recorded in history that he was at that time a very ill man.

When Morton returned from that session of the Congress the Tories were bitter because of his action, and they charged him with failing to follow the instructions of the assembly which elected him a delegate to the Congress. He also incurred the enmity of some of the moderate element who were not convinced of the necessity of a complete break with the British Crown at that time. Many of his friends and associates abandoned him because of his uncompromising attitude on the question of independence and because of his political beliefs.

MORTON'S PROPHECY

Morton had an abiding faith in the wisdom of his action, and while he did not live to see the ultimate result of his labors, yet it is apparent that he had no doubts about the

final victory. John Morton died in April 1777. On his deathbed he uttered a prophecy that has since been revealed in a brilliant light. These prophetic words, spoken by one who had devoted all his ability and energy to the cause, are written in immortal letters among the historical archives of our history. Morton's prophecy was "that posterity would proclaim his labors for secession the crowning glory of his life."

While Morton was born in the log cabin, near the old Morris Ferry, which was built by his grandfather in 1694, he subsequently erected a more pretentious home for his family. This excellent example of early colonial architecture was built in 1764 and stands in Ridley Park, Delaware County, Pa.

ANN JUSTICE, MORTON'S WIFE OF SWEDISH DESCENT

John Morton married Ann Justice who was also a descendant of one of the early Swedish colonists, named Gostossou. Morton was 26 years old at the time of his marriage to Ann Justice and 8 children were born to this union, 3 sons and 5 daughters. Two of his sons took an active part in the activities of the colonial government in the Revolutionary War, and many of the descendants have achieved distinction in many walks of life.

John Morton is buried in St. Paul's graveyard which is located on Third Street between Market and Welsh Streets, Chester, Pa. St. Paul's graveyard is a burial place for many of the pioneer Swedish colonists who settled in Up-land. The church was erected on a plot of ground which was dedicated to the church by Armegot Printz, the daughter of Governor Printz.

MONUMENT TO MORTON

Morton's grave is identified by a marble monument of obelisk shape, 9 feet high. The four sides of this form the points of the compass. The west side contains the following inscription:

Dedicated to the memory of John Morton, a Member of the First American Congress from the State of Penn., assembled in New York in 1765 and of the next Congress assembled in Philadelphia in 1774. Born A. D. 1724. Died April 1777.

On the east side of the shaft is the following inscription:

In voting by States upon the question of the independence of the American Colonies, there was a tie until the vote of Penn. was given, two members of which voted in the affirmative and two in the negative. The tie continued until the vote of the last member, John Morton, decided the promulgation of the glorious diploma of American freedom.

The south side bears these words:

In 1775, while a speaker of the Assembly of Penn., John Morton was elected a Member of Congress, and in the ever memorable session of 1776 he attended that august body for the last time, establishing his name in grateful remembrance of the American people by signing the Declaration of Independence.

On the north side is cut the following sentence:

John Morton, being censured by his friends for his casting vote for the Declaration of Independence, his prophetic spirit dictated from his deathbed the following message to them: "Tell them they shall live to see the hour when they shall acknowledge it to have been the most glorious service I ever rendered to my country."

OLD SETTLERS

It will be recalled that the Morton family were among the oldest settlers of Philadelphia at the time of the Revolution. His family had been in this country for four generations. They were a part of that hardy group of pioneers who had carved out a new civilization in a hazardous frontier. As time is considered in a country as young as ours, Philadelphia was an old city even in those days.

Gloria Dei Church which is now commonly called the Old Swedes Church was considered a landmark of Philadelphia when the founders of the new Republic met to frame the Declaration of Independence in Independence Hall.

Members of the Congress which met to adopt the Declaration attended Gloria Dei Church. It was not only the oldest church in Philadelphia at that time but it was the most distinguished congregation, and its membership included the old families of Philadelphia.

GLORIA DEI "OLD SWEDES CHURCH"—OLDEST CHURCH IN PHILADELPHIA

Gloria Dei Church is a successor of the first place of worship by the Swedes in Philadelphia. Its immediate predecessor was a blockhouse which had been used for a place of worship. The bell for the Gloria Dei Church was made from the old bell of its predecessor which was cast in 1643. When the Archbishop of Upsala delivers the sermon at this church at 4 p. m. June 28, he will commemorate 300 years of religious worship in the Delaware Valley; 300 years of education which had its inception with the Swedish pastors who were the first schoolmasters in the Delaware Valley; and 300 years of culture and of progress. What finer tribute can be paid to those stalwart pioneers who carved an empire out of a wilderness?

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ENCOURAGEMENT OF TRAVEL TO AND WITHIN THE UNITED STATES

Mr. COPELAND. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate bill 3635, Calendar No. 1739.

Yesterday, or day before, the able Senator now occupying the chair [the President pro tempore] objected to the bill. After consultation with him, certain amendments have been made to the bill which I think make it acceptable.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New York?

There being no objection, the Senate proceeded to consider the bill (S. 3635) to encourage travel to and within the United States, and for other purposes.

Mr. COPELAND. Mr. President, I offer certain amendments, which I ask to have stated.

The PRESIDENT pro tempore. The amendments will be stated.

The amendments were, on page 1, beginning in line 3, to strike out: "That the Secretary of Commerce is authorized and directed, through the Bureau of Foreign and Domestic Commerce, to encourage, promote, and develop travel to the United States, and the use of American registered ships and of interstate transportation facilities for such purposes"; in line 8, to strike out "Sec. 2"; on page 2, line 1, after the word "travel", to strike out "to and"; in line 6, to change the number of the section from 3 to 2; in line 7, after the word "agencies", to strike out "domestic and foreign"; in line 23, to change the number of the section from 4 to 3; and on page 3, after line 12, to strike out:

Sec. 5. The Secretary of State and the Secretary of Commerce are authorized and directed to cooperate with the Secretary of the Interior in carrying out the provisions and purposes of this act. To this end the Secretary of Commerce is authorized and directed to extend the facilities of the Foreign Commerce Service to assist in the promotion of travel by the nationals of foreign countries to and within the United States, any additional expense

incurred thereby to be reimbursed from funds made available for the purpose of this act. The amount of such funds to be allocated to the Department of Commerce for the succeeding fiscal year shall be agreed upon by the Secretary of the Interior, the Secretary of State, and the Secretary of Commerce and submitted to the Budget Bureau and to Congress in order that the necessary funds may be made available for carrying on the work abroad.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior (hereinafter referred to as the "Secretary"), through the National Park Service, is hereby authorized and directed to take such action as he may deem necessary to encourage, promote, and develop tourist travel within the United States, including its Territories and possessions. The Secretary is authorized to make such rules and regulations as he may deem necessary in carrying out the functions vested in the Department of the Interior by this act.

Sec. 2. The Secretary may cooperate with public and private tourist, travel, and other agencies in the display of exhibits and in the collection, publication, and dissemination of informative materials furnished the Department by appropriate agencies with respect to places of interest, routes, transportation facilities, accommodations, and such other data as he deems advisable and advantageous for the purposes of encouraging travel.

The provisions of the act of July 10, 1935 (49 Stat. 477), are hereby extended so as to permit the expenditure of the receipts from the sale of publications obtained under any funds donated for the purposes of this act subject to the condition that such receipts shall continue to be available for the printing of further publications. The Secretary may employ such technical assistants or experts, without regard to the civil-service laws, as may be necessary in the execution of this act.

Sec. 3. The Secretary is authorized to create an advisory board to be known as the United States Travel Board, composed of representatives of public and private agencies, or having other interest in the promotion of tourist travel. The membership of the board shall consist of a representative from each of the Departments of State, Interior, and Commerce, as may be designated by the respective Secretaries thereof, and such other members as may be appointed by the Secretary of the Interior to serve at his pleasure. Meetings of the board shall be held at the request of the Secretary for the purposes of making recommendation concerning the promotion of tourist travel under the provisions hereof. The members of such board shall receive no salary, but they may be paid expenses incidental to travel when engaged in discharging their duties as such members.

The amendments were agreed to.

Mr. BURKE. Mr. President, I do not like to have this bill taken up at this time. It was reached the other day on the Calendar. I did not object to it, but there was objection by Members who are not now present. At this late hour of the day it does not seem to me proper to bring up a bill and pass it when Senators who previously objected are not present.

Mr. COPELAND. Is the Senator referring to the bill which I have just discussed?

Mr. BURKE. Yes.

Mr. COPELAND. The bill has been very radically amended.

Mr. BURKE. We have not had an opportunity to study the modifications or amendments offered.

Mr. COPELAND. If the Senator desires, I have no objection to the bill going over.

Mr. BURKE. I should like to have it go over until we have an opportunity to look at it.

Mr. COPELAND. I have no objection to that course.

The PRESIDENT pro tempore. Without objection, the bill will be passed over.

HELEN MAHAR JOHNSON

Mr. COPELAND. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House bill 4571, Calendar No. 2112.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New York?

There being no objection, the Senate proceeded to consider the bill (H. R. 4571) for the relief of Helen Mahar Johnson, which had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Wilber National Bank, of Oneonta, N. Y., administrator of the estate of James Patrick Mahar, late of the city of Oneonta, Otsego County, N. Y., deceased, the sum

of \$5,000, in full satisfaction of any and all claims of the estate of James Patrick Mahar for the United States Government life-insurance benefits under policy No. K-812772, the same to be distributed among the heirs-at-law and next of kin of the said James Patrick Mahar, a deceased soldier, according to the statute of descent and distribution of the State of New York.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act for the relief of the widow and children of James Patrick Mahar."

PROGRAM OF THE SESSION

Mr. BARKLEY. Mr. President, for the benefit of the Members of the Senate I think it may be proper to announce that it is contemplated that on the resumption of the session of the Senate tomorrow the bankruptcy bill, in charge of the Senator from Wyoming [Mr. O'MAHONEY], will be taken up for consideration. In fact, it is entirely agreeable, if the Senator desires, to make it the unfinished business now.

REVISION OF BANKRUPTCY ACT

Mr. O'MAHONEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House bill No. 8046, Calendar No. 2022, the bankruptcy bill, so that it may become the unfinished business of the Senate.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wyoming?

There being no objection, the Senate proceeded to consider the bill (H. R. 8046) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto; and to repeal section 76 thereof and all acts and parts of acts inconsistent therewith, which had been reported from the Committee on the Judiciary with amendments.

AMENDMENT OF CIVIL-SERVICE RETIREMENT ACT

Mr. BARKLEY. Mr. President, following the consideration of the bankruptcy bill it is hoped that the bill referred to a while ago by the Senator from West Virginia [Mr. NEELY], the civil-service retirement bill, may be taken up for consideration.

I also wish to advise the Senate that if we finish with the business which should be transacted tomorrow, in order that the conference committees which are now busy may have an extra day in which to concentrate their attention upon their work, it is the purpose to take a recess from tomorrow until Monday. It is now obvious that we cannot finish the work of the Senate this week so as to adjourn Saturday. In order that conference committees may work during the recess without having to attend the sessions of the Senate, it is my purpose to move a recess from tomorrow until Monday.

LOS ANGELES NAVAL RESERVE ARMORY

Mr. McADOO. Mr. President, the Senator from Massachusetts [Mr. WALSH] reported favorably today from the Committee on Naval Affairs, and authorized me to ask to have considered, a bill to accept a Naval Reserve armory which has been built by the municipality of Los Angeles at a cost of \$1,000,000. The bill does not involve any expenditure on the part of the Government. It merely provides that the Government shall take over and use the armory and maintain it at a small cost per annum, probably five or six thousand dollars per year.

I ask for the present consideration and passage of the bill. The PRESIDENT pro tempore. What is the number of the bill?

Mr. McADOO. We have been trying to get it here. It does not seem to be on the desk; but I have stated all that is in it, and I ask the Senate if they will be willing to consider the bill at this time. I repeat, it does not involve any cost on the part of the Government.

Mr. LA FOLLETTE. Mr. President, I should have to object to such an irregular procedure as that.

Mr. McADOO. The bill may be here in just a second. It has been sent for.

Mr. NORRIS. Mr. President, can we not pass the bill in its absence? We could do a great deal of business in that way. That would be a fine way to do. [Laughter.]

Mr. McADOO. I submit to the implied point of order.

NATIONAL AUDITORIUM

Mr. CONNALLY. Mr. President, I am interested in having an opportunity to move the consideration of the Senate bill establishing a national auditorium. Would it be possible to make it the pending business?

Mr. BARKLEY. The Senator from Wyoming [Mr. O'MAHONEY] has already made the bankruptcy bill the unfinished business. I am in thorough sympathy with the desire of the Senator from Texas, and I will cooperate with him and try to have considered tomorrow the bill to which he refers.

Mr. CONNALLY. Then, Mr. President, I give notice that at the conclusion of the consideration of the bankruptcy measure I shall endeavor to obtain the floor and move that the Senate proceed to the consideration of the national auditorium bill.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H. R. 10462) to amend the act entitled "An act creating the Mount Rushmore National Memorial Commission and defining its purposes and powers," approved February 25, 1929, as amended, and it was signed by the President pro tempore.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations and a draft convention, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nominations of several officers for appointment to temporary rank in the Air Corps, and also the nominations of sundry officers for promotion, and an officer for appointment, by transfer, to the Air Corps, all in the Regular Army.

The PRESIDENT pro tempore, from the Committee on Foreign Relations, reported favorably, without reservation, Executive H, Seventy-fifth Congress, third session, a North American regional broadcasting agreement between the United States, Canada, Cuba, Mexico, the Dominican Republic, and Haiti, signed at Habana on December 13, 1937, and submitted a report (Ex. Rept. No. 15) thereon.

He also, from the same committee, reported favorably, without reservation, Executive I, Seventy-fifth Congress, third session, an inter-American radio-communications convention between the United States of America, Brazil, Canada, Colombia, Cuba, Chile, the Dominican Republic, Guatemala, Haiti, Mexico, Nicaragua, Panama, Peru, Uruguay, and Venezuela, signed at Habana on December 13, 1937, and submitted a report (Ex. Rept. No. 16) thereon.

Mr. BURKE, from the Committee on the Judiciary, reported favorably the nomination of Angel R. de Jesus of San Juan, P. R., to be an Associate Justice of the Supreme Court of Puerto Rico, vice Felix Cordova Davila, resigned.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

He also, from the same committee, reported adversely the nominations of several postmasters.

The PRESIDENT pro tempore. The reports will be placed on the Executive Calendar.

POSTMASTER AT ETOWAH, TENN.—RECOMMITTAL

Mr. McKELLAR. Mr. President, yesterday the nominations of a large number of postmasters were confirmed, and they were confirmed without being placed on the calendar, with the statement made by me that if there was objection by any Senator the nomination objected to should be withdrawn. My colleague [Mr. BERRY] has asked that the nomination of Donald B. Todd to be postmaster at Etowah, Tenn., be withdrawn and recommitted to the Committee on Post Offices and Post Roads.

I move to reconsider the vote by which advice and consent was given on yesterday to the nomination of Donald B. Todd to be postmaster at Etowah, Tenn.

The motion was agreed to.

Mr. McKELLAR. I ask that the nomination be recommitted to the Committee on Post Offices and Post Roads. I will say that there will be a hearing in that committee tomorrow on the nomination in question.

The PRESIDENT pro tempore. Without objection, it is so ordered.

There being no further reports of committees, the clerk will state the nominations on the calendar.

THE JUDICIARY

The legislative clerk read the nomination of Charles E. Dierker to be United States attorney for the western district of Oklahoma.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Anton J. Lukaszewicz to be United States marshal for the eastern district of Wisconsin.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

That completes the calendar.

LEGISLATIVE SESSION

Mr. BARKLEY. I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed legislative session.

LOS ANGELES NAVAL RESERVE ARMORY

Mr. BARKLEY. Has the absent bill appeared to which the Senator from California referred?

Mr. McADOO. Mr. President, I withdraw the request about the Naval Reserve armory bill. I understood that the bill was on the desk. We will take it up tomorrow; and for the present I withdraw the request.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 44 minutes p. m.) the Senate took a recess until tomorrow, Friday, June 10, 1938, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate June 9 (legislative day of June 7), 1938

DIPLOMATIC AND FOREIGN SERVICE

William P. Blocker, of Texas, now a Foreign Service officer of class 3 and a secretary in the Diplomatic Service, to be also a consul general of the United States of America.

The following-named persons for promotion in the Foreign Service of the United States, to be effective June 16, 1938, as follows:

From Foreign Service officer of class 4 to Foreign Service officer of class 3:

James Hugh Keeley, Jr., of the District of Columbia.

George R. Merrell, of Missouri.

Hugh Millard, of Nebraska.

Orsen N. Nielsen, of Wisconsin.

Harold Shantz, of New York.

Harold S. Tewell, of North Dakota.

From Foreign Service officer of class 5 to Foreign Service officer of class 4:

Ellis O. Briggs, of Maine.

Edward S. Crocker, of Massachusetts.

Samuel J. Fletcher, of Maine.

Walter A. Foote, of Texas.

Waldemar J. Gallman, of New York.

C. Porter Kuykendall, of Pennsylvania.

Alfred T. Nester, of New York.

Sydney B. Redecker, of New York.

Rollin R. Winslow, of Michigan.

From Foreign Service officer of class 6 to Foreign Service officer of class 5:

Clayson W. Aldridge, of New York.

William H. Beach, of Virginia.

Leo J. Callanan, of Massachusetts.

C. Paul Fletcher, of Tennessee.

Julian F. Harrington, of Massachusetts.

Eugene M. Hinkle, of New York.

David McK. Key, of Tennessee.

Edward P. Lawton, of Georgia.

Warwick Perkins, of Maryland.

George Tait, of Virginia.

UNITED STATES TARIFF COMMISSION

Edgar Bernard Brossard, of Utah, to be a member of the United States Tariff Commission for the term expiring June 16, 1944. (Reappointment.)

FEDERAL EMERGENCY ADMINISTRATION OF PUBLIC WORKS

Kenneth A. Godwin, of California, to be regional director, region 6, Federal Emergency Administration of Public Works.

UNITED STATES CIRCUIT JUDGE

Hon. Leon McCord, of Alabama, to be a United States circuit judge, fifth circuit, to fill an existing vacancy.

UNITED STATES DISTRICT JUDGE

Hon. Francis J. W. Ford, of Massachusetts, to be a judge of the United States District Court for the District of Massachusetts to fill an existing vacancy.

JUDGES OF THE CIRCUIT COURTS OF HAWAII

Hon. Harold E. Stafford, of Hawaii, to be third judge of the first circuit, circuit courts, Territory of Hawaii. (Judge Stafford is now serving in this post under an appointment which expires June 18, 1938.)

Hon. John A. Matthewman to be fifth judge of the first circuit, circuit courts, Territory of Hawaii.

Hon. James Wesley Thompson, of Hawaii, to be judge of the third circuit, circuit courts, Territory of Hawaii. (Judge Thompson is now serving in this post under an appointment which expires June 18, 1938.)

Hon. Delbert E. Metzger, of Hawaii, to be judge of the fourth circuit, circuit courts, Territory of Hawaii. (Judge Metzger is now serving in this post under an appointment which expires June 18, 1938.)

Hon. Carrick H. Buck, of Hawaii, to be judge of the fifth circuit, circuit courts, Territory of Hawaii. (Judge Buck is now serving in this post under an appointment which expires June 18, 1938.)

ASSOCIATE JUSTICE, SUPREME COURT OF PUERTO RICO

Hon. Angel R. de Jesus, of San Juan, P. R., to be an associate justice of the Supreme Court of Puerto Rico, vice Hon. Felix Cordova Davila, resigned.

UNITED STATES ATTORNEYS

George Philip to be United States attorney for the district of South Dakota. (Mr. Philip is now serving in this office under an appointment which expires June 15, 1938.)

Douglas W. McGregor, of Texas, to be United States attorney for the southern district of Texas. (Mr. McGregor is now serving in this office under an appointment which expires July 1, 1938.)

UNITED STATES MARSHAL

Charles W. Robertson to be United States marshal for the district of South Dakota. (Mr. Robertson is now serving in this office under an appointment which expires June 15, 1938.)

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY TO QUARTERMASTER CORPS

Capt. John Salisbury Fisher, Infantry, with rank from August 1, 1935.

TO COAST ARTILLERY CORPS

First Lt. Gwinn Ulm Porter, Infantry, with rank from June 13, 1936, effective August 11, 1938.

PROMOTIONS IN THE NAVY

MARINE CORPS

Lt. Col. Harry Schmidt to be a colonel in the Marine Corps from the 1st day of May 1938.

Lt. Col. Miles R. Thacher to be a colonel in the Marine Corps from the 2d day of June 1938.

Maj. Maurice C. Gregory to be a lieutenant colonel in the Marine Corps from the 2d day of June 1938.

Maj. Andrew E. Creesy to be a lieutenant colonel in the Marine Corps from the 2d day of June 1938.

The following-named captains to be majors in the Marine Corps from the 2d day of June 1938:

Ralph D. Leach	Stanley E. Ridderhof
George W. McHenry	Morris L. Shively
William L. McKittrick	

The following-named first lieutenants to be captains in the Marine Corps from the 2d day of June 1938:

Wayne H. Adams	John A. White
John H. Cook, Jr.	Edward J. Dillon
Edward H. Forney, Jr.	Harold I. Larson

CONFIRMATIONS

Executive nominations confirmed by the Senate June 9 (legislative day of June 7), 1938

UNITED STATES ATTORNEY

Charles E. Dierker to be United States attorney for the western district of Oklahoma.

UNITED STATES MARSHAL

Anton J. Lukaszewicz to be United States marshal for the eastern district of Wisconsin.

HOUSE OF REPRESENTATIVES

THURSDAY, JUNE 9, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

According to Thy name, O God, so is Thy praise unto the ends of the earth; Thy right hand is full of righteousness. Thou art our Good forever and ever, and will be our guide even unto death. Oh, that men would praise the Lord for His goodness and for His wonderful works toward the children of men.

O gracious Father of mankind, help us to interpret aright the constant revelation of Thy love and mercy manifested toward us. We pray Thee to make this day rich in satisfaction which comes from upright living. Let our best impulses find expression in the spirit of helpful justice couched in all hearts. We thank Thee that wherever there is a listening soul, there Thou art, and wherever Thou art, the shadows dissolve in the beams of Thy unclouded truth. In our Savior's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On June 1, 1938:

H. R. 1486. An act to amend section 30 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes";

H. R. 4276. An act to amend an act entitled "An act to create a juvenile court in and for the District of Columbia," and for other purposes;

H. R. 4852. An act to provide for the creation of the Saratoga National Historical Park in the State of New York, and for other purposes;

H. R. 5974. An act to authorize payments in lieu of allotments to certain Indians of the Klamath Indian Reservation in the State of Oregon, and to regulate inheritance of restricted property within the Klamath Reservation;

H. R. 8008. An act to provide for the purchase of public lands for home and other sites;

H. R. 8373. An act for the relief of List & Clark Construction Co.;

H. R. 8487. An act confirming to Louis Labeaume, or his legal representatives, title to a certain tract of land located in St. Charles County, in the State of Missouri;

H. R. 9577. An act to amend section 402 of the Merchant Marine Act, 1936, to further provide for the settlement of ocean mail contract claims;

H. R. 9722. An act to amend section 5 of an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools and the care and support of insane persons in the District of Alaska, and for other purposes," approved January 27, 1905 (33 Stat. 616); and

H. J. Res. 622. Joint resolution authorizing the President of the United States of America to proclaim October 11, 1938, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski.

On June 3, 1938:

H. J. Res. 693. Joint resolution making an appropriation to aid in defraying expenses of the observance of the seventy-fifth anniversary of the Battle of Gettysburg.

On June 7, 1938:

H. R. 6869. An act to provide for the examination and licensing of those engaging in the practice of cosmetology in the District of Columbia;

H. R. 7085. An act to regulate barbers in the District of Columbia, and for other purposes; and

H. J. Res. 687. Joint resolution to amend title VI of the District of Columbia Revenue Act of 1937.

On June 8, 1938:

H. R. 1591. An act to require the registration of certain persons employed by agencies to disseminate propaganda in the United States, and for other purposes; and

H. R. 10140. An act to amend the Federal Aid Road Act, approved July 11, 1916, as amended and supplemented, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment bills and joint resolutions of the House of the following titles:

H. R. 7560. An act to authorize alterations and repairs to certain naval vessels, and for other purposes;

H. R. 8673. An act for the relief of certain persons at certain projects of the Farm Security Administration, United States of Department of Agriculture;

H. R. 9014. An act to authorize the conveyance to the Lane S. Anderson Post, No. 297, Veterans of Foreign Wars of the United States, of a parcel of land at lock No. 6, Kanawha River, South Charleston, W. Va.;

H. R. 10076. An act to create the White County Bridge Commission; defining the authority, power, and duties of

said commission; and authorizing said commission and its successors and assigns to purchase, maintain, and operate a bridge across the Wabash River at or near New Harmony, Ind.;

H. R. 10722. An act to authorize the attendance of the Marine Band at the national encampment of the Grand Army of the Republic to be held at Des Moines, Iowa, September 4 to 8, inclusive, 1938;

H. J. Res. 683. Joint resolution to provide for a floor-stock tax on distilled spirits, except brandy; and

H. J. Res. 688. Joint resolution creating the Niagara Falls Bridge Commission and authorizing said commission and its successors to construct, maintain, and operate a bridge across the Niagara River at or near the city of Niagara Falls, N. Y.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9721) entitled "An act authorizing the disbursement of funds appropriated for compensation of help for care of material, animals, armament, and equipment in the hands of the National Guard of the several States, Territories, and the District of Columbia, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10238) entitled "An act making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1939, and for other purposes."

The message also announced that the Senate had passed, with an amendment, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 10298. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 1872) entitled "An act for the relief of Martin Bridges," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BAILEY, Mr. BROWN of Michigan, and Mr. CAPPER to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 5743) entitled "An act for the relief of Haffenreffer & Co., Inc.," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BURKE, Mr. SCHWELLENBACH, and Mr. CAPPER to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1294. An act to amend the act entitled "An act to authorize the President to provide housing for war needs," approved May 16, 1918, as amended; and

S. 3337. An act to amend section 2 of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1919, and for other purposes," approved July 1, 1918, to increase the authorized percentage of privates, first class, in the Marine Corps, from 25 to 40 percent of the whole number of privates.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 546. An act for the relief of Annie Mary Wilmuth;

S. 1788. An act for the relief of William J. Schwarze;

S. 2532. An act for the relief of Mr. and Mrs. Guy R. Syth;

S. 2876. An act for the relief of Mark H. Doty; and

S. 3079. An act for the relief of George W. Breckenridge.

The message also announced that the Senate had adopted the following order:

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 2165) to amend

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the act entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes."

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House:

JUNE 9, 1938.

The Honorable WILLIAM B. BANKHEAD,

Speaker of the House of Representatives.

SIR: From the State Board of Election Commissioners of the Commonwealth of Kentucky, I have received the certificate of election of Hon. JOE B. BATES as a Representative-elect to the Seventy-fifth Congress from the Eighth Congressional District of that State, to fill the unexpired term caused by the resignation of Hon. Fred M. Vinson.

Very truly yours,

SOUTH TRIMBLE,
Clerk of the House of Representatives.

SWEARING IN OF A MEMBER

Mr. BATES of Kentucky appeared at the bar of the House and took the oath of office.

INVESTIGATION OF UN-AMERICAN ACTIVITIES

Mr. WARREN. Mr. Speaker, I offer a privileged resolution from the Committee on Accounts and ask for its immediate consideration.

The Clerk read the resolution, as follows:

House Resolution 510

Resolved, That the expenses of conducting the investigation authorized by House Resolution 282, incurred by the special committee appointed to investigate un-American propaganda in the United States and related questions, acting as a whole or by subcommittee, not to exceed \$100,000, including expenditures for the employment of experts, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman thereof and approved by the Committee on Accounts; and the head of each executive department is hereby requested to detail to said special committee such number of legal and expert assistants and investigators as said committee may from time to time deem necessary.

With the following committee amendments:

In line 5, strike out the figure "\$100,000" and insert in lieu thereof the figure "\$25,000."

After the first section, add the following:

"Sec. 2. That the official committee reporters may be used at all hearings held in the District of Columbia if not otherwise officially engaged."

Mr. WARREN. Mr. Speaker, my personal views about this matter are at variance with the action of the House in ordering this investigation. This is the third investigation of this nature in recent years, and I personally believe it is all a lot of hullabaloo about nothing. Certainly it is, as far as my State is concerned. However, the House has spoken and it is incumbent upon the committee to bring in funds. This investigation has been limited by the express order of Congress to January 3, 1939, which is sufficient time to investigate any subject. The Speaker has appointed an exceptionally able committee. Certainly, it is not incumbent upon me even to make a suggestion to that committee, but there is no need for the committee to take on some of the usual hangers-on and camp followers who attach themselves to a committee just as soon as the House sets it up. The gentlemen who have been selected by the Speaker are able lawyers, able cross examiners, and able investigators, and should they wish to go as far as to conduct an inquisition they are fully capable of doing that, too. We believe we have given them sufficient money to make this investigation and to close it up and bring a report here on January 3.

Mark my word when I say to the House no matter how diligent the members of this committee are, when they come back here with their report it will be embalmed in the archives of Congress and nothing whatever will be done about it. We have sufficient laws on the statute books today to take care of most of the conditions complained of. The late McCormack committee came in here with recommendations, and half of the committee's recommendations were not even considered by either House of Congress.

In giving this committee \$25,000, I may say we have exhausted every single copper cent in the contingent fund for investigations at this session of Congress. It is only fair to say not only to this committee, but to all other special committees that may be set up, that they need not come back to the Committee on Accounts and ask that a deficit be made good. That has been done to my knowledge only once in the last 12 years. We are not going to approve a voucher for 1 cent over the appropriation. It is neither morally right nor legal for a committee to exceed its appropriation and come back here and expect us to make up the deficit.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. WARREN. I yield to the gentleman from New York. Mr. O'CONNOR of New York. There is a very good likelihood of several other committees being set up before we adjourn at this session. What can be done to take care of those committees?

Mr. WARREN. As the gentleman knows, that is beyond the Committee on Accounts and would be up to the Committee on Appropriations. I understand, and in fact I know, that a request was made to the Committee on Appropriations for additional funds in the event of an emergency such as the gentleman speaks of. For some reason that appropriation was not made. If any other investigations are set up, the Committee on Accounts will not be in a position to approve a request for one dollar, or even bring in a resolution, unless the Committee on Appropriations should make an appropriation for that purpose.

Mr. O'CONNOR of New York. Of course, we hope before we are through here to set up committees to investigate forestry, monopolies, radio, and perhaps some other matters. They will all be important investigations. Of course, one way to defeat an investigation is not to give it any money, so if these investigating committees cannot get any money they will be practically defunct.

Mr. WARREN. I am sure the gentleman agrees that we would have no right to bring in a resolution when we have no appropriation, as that is beyond the Committee on Accounts.

Mr. O'CONNOR of New York. I appreciate that.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. WARREN. I yield to the gentleman from Pennsylvania.

Mr. RICH. I believe the gentleman from North Carolina is about the best versed man on conditions around the Capitol, and I believe he said one of the most sensible things any man could in giving advice to a committee when he spoke of the fact that there are a lot of hangers-on around this Capitol who are trying to become secretaries of these investigating committees, the committee, if it wishes to do a good job, should beware of some of these professional secretaries. There are a lot of them around here who are not worth the powder to blow them up, and I hope, when this committee selects its secretary, they will select a good one.

There is another thing I would like to say to the gentleman while I am on my feet. Yesterday we authorized \$50,000 to investigate the reindeer industry in Alaska. That is about as senseless a thing as I know of, because such an investigation can be accomplished for one-third of \$50,000 if it is handled under the Interior Department, and sometimes we give too much money for some of these investigating committees, as this would indicate.

The gentleman from New York [Mr. O'CONNOR] said a few moments ago that we are going to have four or five investigating committees. I wonder if they are not going to have an investigation of this \$3,300,000,000 that the President is going to have to spend to elect a Congress. I think we ought to have an investigation of that and I believe if you men on that side of the House are interested in trying to keep this Government from getting into the hands of a political dictator you will earmark all relief funds and stop playing politics with human misery.

Mr. WARREN. Mr. Speaker, I move the previous question on the resolution and the amendments.

The previous question was ordered.

The amendments were agreed to.

The resolution, as amended, was agreed to, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. MAVERICK. Mr. Speaker, yesterday I asked unanimous consent to insert a speech in the RECORD. I now have an estimate from the Printer and I again ask unanimous consent to insert it.

Mr. RICH. Mr. Speaker, reserving the right to object, what is the estimate from the Printer?

Mr. MAVERICK. The estimate is it runs \$58 over the amount you are permitted to put in. You are given two pages.

Mr. RICH. What is the total amount?

Mr. MAVERICK. One hundred and fifty-eight dollars.

Mr. RICH. Does not the gentleman know that all this is an expense that the taxpayers back in your district and in mine have to pay?

Mr. MAVERICK. I would not ask for this unless I thought it was good for my taxpayers and yours, too.

Mr. RICH. But the trouble with the gentleman is he gets too much in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

RIVER AND HARBOR AUTHORIZATION BILL

Mr. MANSFIELD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10298) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, with Senate amendments, and concur in the Senate amendments.

The Clerk read the title of the bill.

Mr. SNELL. What is the request, Mr. Speaker?

The SPEAKER. The gentleman from Texas has asked unanimous consent to take the bill from the Speaker's table and concur in the Senate amendments.

Mr. TABER. Mr. Speaker, may the Senate amendments be reported?

The Clerk read the Senate amendments, as follows:

Page 1, line 9, strike out all after "document" down to and including "conservation" in line 7, page 8, and insert "and that hereafter Federal investigations and improvements of rivers, harbors, and other waterways shall be under the jurisdiction of and shall be prosecuted by the War Department under the direction of the Secretary of War and the supervision of the Chief of Engineers, except as otherwise specifically provided by act of Congress, which said investigations and improvements shall include a due regard for wildlife conservation."

Page 2, after line 11, insert:

"Westport River, Mass.; House Document No. 692, Seventy-fifth Congress."

Page 2, after line 13, insert:

"Flushing Bay and Creek, N. Y.; Senate Committee on Commerce document, Seventy-fifth Congress."

Page 2 after line 13 insert:

"Huntington Harbor, N. Y.; House Document No. 638, Seventy-fifth Congress."

Page 3, after line 10, insert:

"Roanoke River, N. C.; House Document No. 694, Seventy-fifth Congress."

Page 3, after line 10, insert:

"New River Inlet, N. C.; House Document No. 691, Seventy-fifth Congress."

Page 3, after line 12, insert:

"Belhaven Harbor, N. C.; House Document No. 693, Seventy-fifth Congress."

Page 3, after line 15, insert:

"Waterway between Beaufort, S. C., and St. Johns River, Fla.; House Document No. 618, Seventy-fifth Congress."

Page 3, after line 15, insert:

"Terry Creek and Back River, Ga.; House Document No. 690, Seventy-fifth Congress."

Page 4, after line 4, insert:

"Palm Beach, Fla.; Side channel and basin in accordance with report on file in the Office of the Chief of Engineers."

Page 4, after line 4, insert:
"Tampa and Hillsboro Bays, Fla.; Senate Commerce Committee document, Seventy-fifth Congress."

Page 4, after line 6, insert:
"Biloxi Harbor, Miss.; House Document No. 639, Seventy-fifth Congress."

Page 4, lines 18 and 19, strike out "Document No. 564" and insert "Documents Nos. 564, 640, 641, 642, and 643."

Page 5, after line 2, insert:
"Bodega Bay, Calif.; House Document No. 619, Seventy-fifth Congress."

Page 5, after line 2, insert:
"San Pablo Bay and Mare Island Strait, Calif.; House Document No. 644, Seventy-fifth Congress."

Page 5, after line 17, insert:

"SEC. 2. That in any case in which it may be necessary or advisable in the execution of an authorized work of river and harbor improvement to exchange land or other property of the Government for private lands or property required for such project, the Secretary of War may, upon the recommendation of the Chief of Engineers, authorize such exchange upon terms and conditions deemed appropriate by him, and any conveyance of Government land or interests therein necessary to effect such exchange may be executed by the Secretary of War: *Provided further*, That the authority hereby granted to the Secretary of War shall not extend to or include lands held or acquired by the Tennessee Valley Authority pursuant to the terms of the Tennessee Valley Authority Act. This section shall apply to any exchanges heretofore deemed advisable in connection with the construction of the Bonneville Dam in the Columbia River."

Page 5, after line 17, insert:

"SEC. 3. To provide suitable office quarters for the district engineer in charge of maintenance and operation of the Washington Aqueduct and of river and harbor improvements in the Washington district, the Secretary of War is authorized to alter and remodel the pumping station building at McMillan Park in accordance with plans approved by the Chief of Engineers, the cost of such alteration and remodeling to be paid from appropriations heretofore or hereafter made by Congress for maintenance and improvement of existing river and harbor works."

Page 5, after line 17, insert:

"SEC. 4. That any amounts collected from any person, persons, or corporations as a reimbursement for lost, stolen, or damaged property, purchased in connection with river and harbor or flood control work prosecuted under the direction of the Secretary of War and the supervision of the Chief of Engineers, whether collected in cash or by deduction from amounts otherwise due such person, persons, or corporations, hereafter shall be credited in each case to the appropriation that bore the cost of purchase, repair, or replacement of the lost, stolen, or damaged property."

Page 5, after line 17, insert:

"SEC. 5. That the provisions of section 204 of part II of the Legislative Appropriation Act, fiscal year 1933, shall not be so construed as to prevent the employment by the Chief of Engineers under agreement as authorized by section 6 of the River and Harbor Act of July 3, 1930, of any retired civilian employee whose expert assistance may be needed in connection with the prosecution of river and harbor or flood control works: *Provided*, That during the period of such employment a sum equal to the retired pay of the employee shall be deducted from the compensation agreed upon."

Page 5, after line 17, insert:

"SEC. 6. That the conditions of local cooperation applicable to the improvement of the Illinois waterway (Calumet-Sag route) printed in House Document 180, Seventy-third Congress, second session, are hereby modified by eliminating therefrom the requirement that local interests will furnish 'evidence satisfactory to the Secretary of War that the 20 movable bridges across the Sanitary Canal will be placed in operating condition or otherwise satisfactorily altered': *Provided*, That local interests will install operating machinery and place in operating condition the three drawbridges across the Chicago Sanitary and Ship Canal between its junction with the Calumet-Sag Channel and Lockport when directed by the Secretary of War: *Provided further*, That this resolution shall not be construed as modifying the provisions of section 18 of the River and Harbor Act of March 3, 1899 (30 Stat. 1153)."

Page 5, after line 17, insert:

"SEC. 7. That section 14 of Public Law No. 585, Sixty-eighth Congress, approved March 3, 1925, is hereby amended by striking out the word 'Locust' and inserting in lieu thereof the word 'Sipsey', so that said section 14, as amended, will read as follows:

"SEC. 14. That the portion of Black Warrior River between Dam No. 17 and the junction of Sipsey and Mulberry Forks, in the State of Alabama, shall hereafter be known as 'Lake Bankhead.'"

Page 5, line 18, strike out "2" and insert "8."

Page 5, line 21, after "appropriations", insert "heretofore or."

Page 6, after line 7, insert "South side of the channel, South Harpswell, Maine."

Page 6, lines 10 and 11, strike out "; also with a view to the prevention of pollution."

Page 6, after line 11, insert "Manchester Harbor, Mass., with a view to constructing a breakwater between Magnolia Point and Kettle Island."

Page 6, after line 18, insert "Bay Shore Harbor, N. Y."

Page 6, after line 23, insert "Indian River, Del."

Page 7, after line 1, insert "Macum Creek, at the mouth of the Chester River, Queen Annes County, Md."

Page 7, after line 1, insert "Oyster Creek, Anne Arundel County, Md."

Page 7, after line 2, insert "South Creek and West River, Anne Arundel County, Md."

Page 7, after line 3, insert "Scott's Creek, Va."

Page 7, after line 5, insert "Channel from Manteo, via Broad Creek, to Oregon Inlet, N. C."

Page 7, after line 12, insert "Intracoastal Waterway from Jacksonville, Fla., to Miami, Fla."

Page 7, after line 14, insert "Bayou Grande, Fla."

Page 7, after line 14, insert "New Pass, Fla., connecting Sarasota Bay with the Gulf of Mexico."

Page 7, after line 14, insert "Waterway from Punta Rasa, Fla., by way of Caloosahatchee River and Canal, Lake Okeechobee, and St. Lucie Canal and River, to Fort Pierce."

Page 7, after line 14, insert "Watson Bayou, Panama City, Fla., from deep water in St. Andrews Bay to the head of navigation."

Page 7, after line 23, insert "Teche-Vermillion waterway, La., with a view to improvement in the interest of navigation, flood control, and other water uses."

Page 8, after line 9, insert:

"Survey of channel for the purposes of navigation, flood control, power, and irrigation from Jefferson, Tex., to Shreveport, La., by way of Jefferson-Shreveport Waterway, thence by way of Red River to mouth of Red River in the Mississippi River, including advisability of water-supply reservoirs in Cypress River and Black Cypress River above head of navigation."

Page 8, after line 9, insert:

"Sulphur River, Tex. and Ark., with the view to improvement for navigation, flood control, and water power."

Page 8, after line 9, insert:

"San Antonio River, Tex., with a view to its improvement for navigation, flood control, power, and for the prevention of erosion."

Page 8, after line 14, insert:

"Kawkawlin River, Mich., with a view to dredging the outlet, with a view to its improvement in the interests of navigation and flood control."

Page 8, after line 16, insert:

"Yacht Basin and Harbor at Menominee, Mich."

Page 8, after line 16, insert:

"Collinsville Cut, Solano County, Calif."

Page 8, after line 24, insert:

"Umpqua River, Oreg., with a view to determining the advisability of providing for navigation, in connection with power development, control of floods, and the needs of irrigation."

Page 8, after line 24, insert:

"Bay Center Channel, Willapa Harbor, Wash., extending from Palix River to Bay Center Dock."

Page 9, line 1, strike out "3" and insert "9."

Page 9, line 12, strike out "4" and insert "10."

Page 10, line 4, after "hereof", insert ": *Provided further*, That the authority hereby granted to the Secretary of War shall not extend to or include lands held or acquired by the Tennessee Valley Authority pursuant to the terms of the Tennessee Valley Authority Act."

Page 10, line 5, strike out "5" and insert "11."

Page 10, after line 11, insert:

"SEC. 12. That the Secretary of War is hereby authorized to continue the gathering of hydrological data, concerning the proposed Nicaragua Canal, by personnel operating continuously in Nicaragua under the supervision of the Chief of Engineers, as recommended in House Document No. 139, Seventy-second Congress, first session; the cost of this work, and such incidental expenses as may be necessary in connection therewith, to be paid from appropriations hereafter made for examinations, surveys, and contingencies of Rivers and Harbors."

Mr. DONDERO (interrupting the reading of the Senate amendments). Mr. Speaker, I ask unanimous consent that the further reading of the amendments may be dispensed with.

Mr. SNELL. Mr. Speaker, I think we ought to have a little explanation of this matter. I do not know but what it is all right, but we ought to be informed about what is in the bill.

Mr. MANSFIELD. We will be pleased to answer any questions.

Mr. SNELL. I think the gentleman ought to explain the changes.

The Clerk resumed the reading of the Senate amendments.

Mr. SNELL. Mr. Speaker, as far as reading these individual projects is concerned, that is not necessary. The thing I have in mind is that there is a large amount of new material in here and I think the chairman of the committee should explain to the House what these long amendments in the latter part of the bill mean.

The SPEAKER. Without objection the further reading of the Senate amendments will be dispensed with and the amendments printed in the RECORD.

There was no objection.

Mr. MANSFIELD. Mr. Speaker, I may state that when the bill passed the House on April 26 it embraced 39 projects of improvements, authorizing a total expenditure of \$33,903,850. The Senate has added 14 additional projects of improvements, with total authorizations for these 14 projects of \$3,200,500, making the total in the bill \$37,104,350.

I may state that every project in the bill has had the approval of the Chief and Board of Engineers of the War Department.

The bill as it passed the House was confined and limited to that character of project, and the Senate Committee on Commerce adopted the same rule and would not permit anything to go into the bill that did not have their approval.

Quite a number of surveys have been added. Of course, as you understand, they are added at the request of anybody who wants them, as a general proposition, as they involve little or no expense unless found to be meritorious.

Mr. SNELL. I understand that. What I had in mind was a statement with respect to these long amendments in the bill that have something to do with the administration of general matters. I think the House should understand just what you mean.

Mr. MANSFIELD. They are urgent matters, as I understand, and in the Senate report on the bill they are all described by letters from the War Department.

Mr. SNELL. I think the gentleman should take up these individual amendments and tell us briefly what is intended. For instance, there is an amendment on page 2, and I do not know whether that is an important amendment or not. It does not look very important.

Mr. MANSFIELD. The first amendment is on pages 1 and 2.

Mr. SNELL. There is another amendment on page 2.

Mr. MOTT. Mr. Speaker, will the gentleman yield for a preliminary question?

Mr. MANSFIELD. Yes.

Mr. MOTT. And that is as to whether any changes or alterations whatever in the jurisdiction of the Army engineers, as provided in the House bill, were made in the Senate?

Mr. MANSFIELD. None whatever. As to the first amendment, as we had the bill in the House, we embraced a provision which we had never heretofore embraced, by placing in the engineers of the War Department the function of planning. That we had never done before. That was thoroughly discussed in the Senate yesterday, and finally stricken out, and Senator COPELAND, in charge of the bill, finally accepted the amendment offered, and reinserted the same language that had heretofore appeared in all river and harbor bills.

Mr. SNELL. I thought the engineers always had charge of planning.

Mr. MANSFIELD. Not of planning. They report their plans to Congress.

Mr. SNELL. And who did have charge of planning?

Mr. MANSFIELD. Congress.

Mr. SNELL. But Congress did not do it individually. Some board did it for Congress.

Mr. MANSFIELD. We authorize the surveys, of course.

Mr. SNELL. And the Army engineers made those surveys?

Mr. MANSFIELD. Yes; and they reported the plans back to Congress, and in these river and harbor bills we adopt or reject them.

Mr. SNELL. Evidently the committee endeavored to do something else by its original language, and then went back to the old plan.

Mr. MANSFIELD. Yes.

Mr. SNELL. What was it that the committee tried to do?

Mr. MANSFIELD. There has been a good deal of talk about planning, and now we have the National Resources Board.

Mr. SNELL. How does this get rid of the National Resources Board, or give them more power?

Mr. MANSFIELD. It does not concern them in any way. They have never been recognized by Congress, as I understand.

Mr. SNELL. And you did not do it here?

Mr. MANSFIELD. No.

Mr. SNELL. The individual amendments where something is added do not amount to very much; but will the gentleman please start with amendment numbered 16 and tell us something about that and the amendments that follow—Nos. 16, 17, 18, and 19? There is where the real changes in law evidently begin.

Mr. MANSFIELD. Is that the Bonneville Dam?

Mr. TABER. Yes.

Mr. MANSFIELD. It became necessary there to relocate some railroads that were being submerged. This is what the War Department says:

When the construction of the Bonneville Dam was undertaken, it became necessary to relocate the railroads on each side of the river at the dam site and for several miles of stream to make way for the Government construction operations. This relocation was undertaken by the Department under agreements with the railroads concerned. These agreements contemplate exchange of the new trackage and right-of-way for a flowage easement over the old right-of-way of the railroads. The work has been accomplished, but a question has arisen as to the Secretary of War's authority to execute the necessary conveyances to complete the exchange.

This gives them that authority. They had to relocate these lines.

Mr. SNELL. That is all that is in No. 16?

Mr. MANSFIELD. Yes.

Mr. SNELL. What is No. 17?

Mr. MANSFIELD. The gentleman understands that the War Department has charge of the waterworks here. The district engineer in charge of the Washington district is also in charge of the maintenance and operation of the Washington Aqueduct. At present he occupies office space in the Navy Building at Washington. He has been requested to vacate this space to accommodate activities of the Navy Department.

After a thorough study of the requirements of the District engineer, taking into account the desirability of his office being situated near the McMillan Park Reservoir and the pumping works at those points, it is believed that the most satisfactory solution is to alter and remodel the pumping station built at the McMillan Park, at a cost of approximately \$100,000, to provide adequate space for the District engineer. They believe that that will be the cheapest and best way to remedy the matter.

Mr. SNELL. Tell us in general what these other amendments are.

Mr. MANSFIELD. Amendment No. 18 provides—

SEC. 4. That any amounts collected from any person, persons, or corporations as a reimbursement for lost, stolen, or damaged property, purchased in connection with river and harbor or flood control work prosecuted under the direction of the Secretary of War and the supervision of the Chief of Engineers, whether collected in cash or by deduction from amounts otherwise due such person, persons, or corporations, hereafter shall be credited in each case to the appropriation that bore the cost of purchase, repair, or replacement of the lost, stolen, or damaged property.

Mr. SNELL. I do not think that amounts to very much.

Mr. MANSFIELD. No. I do not think that No. 19 amounts to much. It is something frequently done before in authorizing the Engineers to reemploy retired men who are experts in certain lines of work.

Mr. SNELL. No. 20 is relative to the Illinois waterway. That seems to be quite a long amendment.

Mr. MANSFIELD. The Illinois waterway extends through a large portion of the business section of the city of Chicago, and they have what they call the Sag Canal connecting with the Sanitary Canal. In this waterway there were certain local conditions requiring the local interests to relocate or recondition or reconstruct 20 highway bridges.

Mr. SNELL. But there is nothing in this amendment that will in any way affect the amount of water to be drawn out of this drainage canal?

Mr. MANSFIELD. No; it does not affect anything except what the engineers recommend in regard to the cost of local cooperation in the reconditioning of bridges; that is all. The other bill the gentleman probably has in mind has never been reported by the committee; it is pending.

Mr. TABER. Will the gentleman tell us about the amendment on page 17, authorizing certain matters in connection with the Nicaraguan canal? Why do we need to get into such a thing? It seems to me we could leave that out.

Mr. MANSFIELD. The Nicaraguan canal matter is in charge of our officers now. Colonel Sultan, who was here as one of the District Commissioners for many years, was located down there for several years. If that work is to be carried on, which Congress has already authorized, they say this will be absolutely necessary.

Mr. TABER. Could they not get along without it just as well?

Mr. MANSFIELD. I never have felt much interest in it myself. I do not know.

Mr. TABER. If we get into that, we are letting ourselves in for a big expenditure.

Mr. MANSFIELD. We are already in it.

Mr. CULKIN. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD. I yield.

Mr. CULKIN. The House bill originally contained nothing that was not approved by the Army engineers.

Mr. MANSFIELD. Nothing whatever; neither does the Senate additions.

Mr. CULKIN. Is that true of the Senate amendments?

Mr. MANSFIELD. That is absolutely true of the Senate amendments.

Mr. CULKIN. They have not put anything in the bill that was not approved by the Army engineers?

Mr. MANSFIELD. For general information I may say that these project amendments were reported on after the bill had passed the House, and that is the reason they were not embraced in the bill originally.

Mr. CULKIN. But everything in the bill has been passed on favorably by the engineers of the Army?

Mr. MANSFIELD. Everything; and the Committee on Rivers and Harbors met this morning and approved these amendments.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD. I yield.

Mr. RICH. I have listened to the gentleman with great concern. I know he gives much attention to river and harbor matters. The gentleman is asking now to spend \$37,104,350. Has the chairman of the Committee on Rivers and Harbors given any thought to the question of where we are going to get the money to pay for these things?

Mr. MANSFIELD. We will put that up to the gentleman hereafter. There will be no expenditures this year. This is authorization for future appropriations.

Mr. RICH. This year they have spent more money than any session of Congress since the New Deal came into power. They have spent over \$13,000,000,000. Now, where are you going to get all this money? We are going in the red from \$2,000,000,000 to \$5,000,000,000 or \$6,000,000,000 a year. It is just about breaking the camel's back.

Mr. MANSFIELD. I want to compliment the gentleman from Pennsylvania for his efforts to reduce Government expenditures. I hope to lend him my assistance whenever possible.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments were agreed to, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. LARRABEE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a report from the Department of Agriculture.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

COMMITTEE ON RULES

Mr. O'CONNOR of New York. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain reports.

The SPEAKER. Without objection, it is so ordered. There was no objection.

DISABILITY PAY OF CERTAIN WORLD WAR OFFICERS

Mr. LEWIS of Colorado, from the Committee on Rules, submitted the following privileged resolution for printing under the rule:

House Resolution 521 (Rept. No. 2669)

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 8176, a bill providing for continuing retirement pay, under certain conditions, of officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability while in the service of the United States during the World War, and for other purposes. That after general debate, which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Military Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

DISTRICT OF COLUMBIA AIRPORT

Mr. GREENWOOD, from the Committee on Rules, submitted the following privileged resolution for printing under the rule:

House Resolution 522 (Rept. No. 2670)

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 2838, an act to establish a public airport in the vicinity of the National Capital, and all points of order against said act are hereby waived. That after general debate, which shall be confined to the act and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Military Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the act for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the act and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

DEVELOPMENT OF ROTARY-WINGED AIRCRAFT

Mr. O'CONNOR, from the Committee on Rules, submitted the following privileged resolution for printing under the rule:

House Resolution 523 (Rept. No. 2671)

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 10605, a bill to authorize the appropriation of funds for the development of rotary-winged aircraft, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Military Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The Chair will recognize the gentleman from North Carolina [Mr. KERR].

CALL OF THE HOUSE

Mr. SNELL. Mr. Speaker, inasmuch as we have an important matter coming up for consideration, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. RAYBURN. Mr. Speaker, I move a call of the House. A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 100]

Ashbrook	Dockweiler	Kelly, N. Y.	Quinn
Atkinson	Doughton	Kennedy, N. Y.	Randolph
Barden	Douglas	Kleberg	Reed, N. Y.
Binderup	Drewry, Va.	Kopplemann	Richards
Boehne	Eicher	Lea	Sabath
Brewster	Elliott	Lemke	Sadowski
Buck	Evans	McAndrews	Scrugham
Buckley, N. Y.	Fish	McClellan	Smith, Okla.
Bulwinkle	Fitzgerald	McGranery	Smith, Va.
Byrne	Fitzpatrick	McGroarty	South
Caldwell	Fries, Ill.	McMillan	Stack
Cannon, Wis.	Gambrill, Md.	Mahon, Tex.	Starnes
Champion	Gasque	Mead	Steagall
Citron	Gilchrist	Mitchell, Tenn.	Summers, Tex.
Clark, Idaho	Gray, Pa.	Mouton	Taylor, Colo.
Clark, N. C.	Green	Norton	Thurston
Cochran	Griswold	O'Connor, Mont.	Tolan
Coffee, Nebr.	Harter	O'Day	Wearin
Cole, Md.	Hartley	O'Leary	Weaver
Costello	Hennings	Owen	Whelchel
Curley	Hook	Parsons	White, Idaho
Deen	Hunter	Patterson	Wood
Disney	Imhoff	Pettengill	
Ditter	Keller	Pierce	

The SPEAKER. Three hundred and thirty-five Members have answered to their names. A quorum is present.

On motion of Mr. RAYBURN, further proceedings under the call were dispensed with.

PERMISSION TO ADDRESS THE HOUSE

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. RAMSPECK. Mr. Speaker, in connection with the conference report on the bill H. R. 1531, a great many Members have asked me about the procedure to be followed if that conference report is adopted by the Congress. I have a letter written to me by the Chairman of the Civil Service Commission which explains the procedure that will be followed should the conference report be adopted and the act become law.

The letter is as follows:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., June 9, 1938.

HON. ROBERT RAMSPECK,
Chairman, Committee on the Civil Service,
House of Representatives.

DEAR Mr. RAMSPECK: In response to your telephone inquiry, I would advise you that if the Congress approves the conferees' report on H. R. 1531, relating to positions of Presidential postmaster as quoted on page 10981 of the CONGRESSIONAL RECORD of June 7, 1938, the regular provisions of the civil-service rules would apply whereby the names of the highest three eligibles would be certified.

There would be no change in the procedure the Commission has followed under all Executive orders relating to these positions of certifying through the office of the Postmaster General to the President.

Your third inquiry may be answered by the statement that this bill, if it becomes law, would supersede the Executive order of July 20, 1936, and there would be a reexamination in every case where an examination has already been held but no appointment made, provided, of course, the position was not filled by the reappointment of the incumbent or by the promotion of a classified employee from within the Postal Service.

The normal construction of the first part of section 2 of H. R. 1531, as recommended by the conferees, namely, "appointments to positions of postmaster at first-, second-, and third-class post offices shall be made by the reappointment and classification, non-competitively, of the incumbent postmaster, * * *" would be to authorize such reappointment upon a showing that the incumbent postmaster possessed the requisite qualifications for retention in the classified service. This would involve principally the consideration of his record during the period of his service as postmaster.

Very sincerely yours,

HARRY B. MITCHELL, President.

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include therein the letter from the President of the Civil Service Commission.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

EXTENSION OF REMARKS

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address I delivered on June 6 at Mississippi College.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

CONTESTED ELECTION CASE OF ALPHONSE ROY V. ARTHUR B. JENKS

Mr. KERR. Mr. Speaker, I call up House Resolution 482. The Clerk read the resolution, as follows:

House Resolution 482

Resolved, That Arthur B. Jenks is not entitled to a seat in the House of Representatives in the Seventy-fifth Congress from the First Congressional District of the State of New Hampshire; and be it further

Resolved, That Alphonse Roy is entitled to a seat in the House of Representatives in the Seventy-fifth Congress from the First Congressional District of the State of New Hampshire.

Mr. KERR. Mr. Speaker, I ask unanimous consent that general debate on this resolution may continue for 3 hours, one-half of the time to be in the control of the gentleman from Massachusetts [Mr. GIFFORD], and one-half by myself, at the end of which time the previous question shall be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. KERR. Mr. Speaker, I should regret very much if any Member of this House thought for a moment that the majority's conception of this case was prompted by any political motives or by any political prejudice. This committee has no such record, Mr. Speaker, and when you turn back the pages of history to learn something about this committee and the Members of the House who have served on the committee, you will see that it well deserves its reputation for fairness and nonpartisanship. I think it may be said that this committee has been fair and just and has never been governed by political prejudice when a matter of the contest for a seat in this House was involved.

This committee has been assigned for 15 years to try every contested election case which had to be determined by a vote of the House in those years. There once served on this committee such men as Macon, Clay, Filmore, Blackburn; in more recent years, De Armond, Mann, Dalzell, Crisp, and Kitchin, and within the recollection of some of us who are here now, those great lawyers and fine fellows, several of them being dead now, who served with distinction and credit on this committee in recent years. I refer to John Fredericks, of California; Dick Elliott, who is present Comptroller General of the United States; Judge Sears, of Nebraska; Federal Judge John McDuffie, of Alabama; Quinn Williams, of Texas; Federal Judge Hartsell Ragan; and Randolph Perkins. It may not be out of place for me to make this observation. In the time I have served here, in my opinion, no better lawyer was ever in this House than our late lamented friend Randolph Perkins.

I want to take a few moments to state as succinctly as I can the facts involved in this contest. I am sure I will stand on safe ground and shall quote nothing except which the record will bear out.

At the general election held on the 3d day of November 1936, in the First Congressional District of New Hampshire, a district in which there were 129 precincts, the election officers who held the election certified that Mr. Arthur B. Jenks had received 51,920 votes and that Mr. Alphonse Roy had received 51,370 votes, making a majority, based upon the returns of the election officers, of 550 votes in favor of the contestee in this case, Mr. Jenks.

Under the statute of the State of New Hampshire it is mandatory when either candidate desires to have a recount by the secretary of state to request the secretary of state to make the recount and he has no other alternative than to make the recount. Immediately Mr. Roy asked for a recount by the secretary of state, who was constituted un-

der the law to make the recount. He could not deny an application for a recount.

Upon a recount before the secretary of state at which all the interested parties were present, including the attorneys for both the contestant and the contestee and anybody else who wanted to be there, the secretary of state found that Mr. Jenks had lost 241 votes and that Mr. Roy had gained 309 votes. This finding changed the result by 550 votes, and there then was a tie between the gentlemen, both of them receiving 51,679 votes. The only thing to do then was to do what the law required, so both parties, Mr. Jenks and Mr. Roy, petitioned the Ballot Law Commission of the State of New Hampshire to recount the votes. Everybody wanted it done. It may be assumed, and I believe the parties interested hoped, that the recount would determine who was really elected to Congress. The statute provided that this recount and the determination of the ballot law commission should be final in respect of who was elected.

When this matter came up before the Ballot Law Commission of the State of New Hampshire, it appeared to the commission that the count of the secretary of state had been so complete and apparently so well done that the commission sought to find out how many votes were contested. It was determined there and then by both parties that the count was all right except as to 108 ballots which had been contested in the count before the secretary of state, and these ballots the commission decided to recount and these only, and accept as correct the count of the secretary of state in respect to all the other ballots cast in the district. In other words, when this matter was brought to the ballot law commission for a first hearing, a few days after the count was made by the secretary of state, it was admitted by all parties that there were in controversy in that recount only 108 votes.

Let me read you the record in respect of the finding of the ballot law commission with regard to the votes when this count was made. This is found on pages 81 and 82 of the record in this case.

It appearing that both the contestants were represented by competent counsel at the recount of ballots by the secretary of state and that the count of the secretary of state was not questioned by either contestant except as to relatively few ballots, and that upon each protest of his count of a ballot the secretary of state thereupon attached to the protested ballot a memorandum showing how it was counted by him and by whom his count was protested, it appears unreasonable to the commission at this time to undertake to reinspect and recount all of the ballots cast.

The commission therefore rules that at the hearing upon the merits of the petitions of Mr. Roy and Mr. Jenks now pending, it will accept the count of ballots made by the secretary of state at the recount except only as to such ballots as were protested at the recount by one or the other contestant, and the hearing will be limited to consideration of the ballots so protested.

The ballot-law commission took these 108 votes and gave to each contestant his number of the votes.

When the commission had recounted the votes, this is the report it made:

That of the ballots cast for Representative in Congress for the First Congressional District on the 3d day of November 1936, Mr. Roy received 51,695, Mr. Jenks received 51,678, and Mr. Roy having the highest number of ballots cast was duly elected.

The commission, therefore, finds and rules that Alphonse Roy having received the largest number of votes at the biennial election November 3, 1936, for Representative in Congress from the First New Hampshire District, he is hereby declared to have been duly elected to that office and entitled to a certificate of election.

This was the finding made by this final tribunal, which had a right to determine how many votes were cast in that election for the contestant and the contestee in this action.

I want you to remember that 10 days had elapsed after that finding and the order that the certificate be turned over to Roy when the contestee in this action, Mr. Jenks, notified the Governor not to issue the certificate, stating that he had found he had received 34 votes in Newton precinct that had not been counted for him. Remember that when this vote was counted by the secretary of state no question was raised before him of 34 votes being cast in Newton precinct for Mr.

Jenks that he did not get. When these ballots were counted a second time by the Ballot Law Commission of New Hampshire, no question was raised about the 34 votes.

All the ballots were there, and no one contended that Mr. Jenks had received 34 more votes in Newton precinct than the ballots disclosed, both parties and their representatives were present, and no such contention was made by anyone.

Listen to this: The Governor's Council of State, the then Governor being the present United States Senator from New Hampshire, turned this matter over, pursuant to the request of Mr. Jenks, to the ballot-box commission again to see what they could do with it. The commission had found that Roy had received in that election a majority of 17 votes and asked that a certificate be given him. At the suggestion of the Governor they again took this matter up and for 3 days the members of that ballot-box commission, according to the record, turned the matter over in their minds and tried to find out something about these 34 ballots. They were not in the box. They had never been there and, according to this record, it was impossible for anybody to take them out. They discussed the matter in order to determine whether or not they should count them and, finally, decided they would not decide the matter as to these alleged missing ballots. I take it this was their conclusion. This commission was not a Democratic commission. This commission had two Republicans and one Democrat on it, and they would not find then that the 34 ballots were cast, which was the only question before them at this time, but rather—they decided that they would themselves recount all the ballots cast in the district for the respective candidates.

So what did they do? They called the same crowd together again, Mr. Jenks and his attorneys, Mr. Roy and his attorneys, and anybody that wanted to look on, and for 3 days they counted these ballots, and after they counted the ballots they determined that Roy was entitled to seven more votes than the commission had given him heretofore, and increased his majority from 17 to 24.

Then, when they found that the ballots could not elect Jenks—you listen to this, gentlemen of the House—they decided that there were 34 votes put in this ballot box at Newton that were never counted for him. They want this House to believe that all these 34 ballots were cast for Mr. Jenks and they want this House to guess who took them out, and they have offered not one scintilla of evidence with respect to either one of these questions, and they are coming here and asking you to make a guess about it and let Mr. Jenks retain his seat in this House based on pure speculation and a guess.

I take it we want to do the proper thing. I think we are not involved in any political matter here at all and therefore they will not be able to do that.

Let me now talk for a minute or two about these 129 precincts and some of the election officers; and, mind you, the election officers in the town of Newton consisted of two Democrats and seven Republicans, who were looking after that vote.

If you forget everything else I say here, I want to write indelibly upon your recollection this fact. These votes were never left one minute in the custody of a Democrat. They were left, first, in the custody of the town clerk of Newton, who was a Republican. Then they were left in the custody of the secretary of state, who was a Republican. They had them and every single officer, or judge of election, or any other person who had his hands on them, or knew about them, states that they were held inviolate, and that all the ballots cast were put in receptacles and were taken out and counted the several times they were required to count them, and there was no appearance whatsoever which indicated that any of them had been molested in the least.

When the precinct votes were counted by the secretary of state of the 129 precincts in this congressional district there were mistakes and discrepancies in 114 of them. When they checked the vote—when the ballot-box commission and the secretary of state checked the vote—they found that the

election officers in that district had made mistakes in 114 of the election precincts out of a total of 129.

Mr. DINGELL. In favor of whom?

Mr. KERR. I have just said whom they were in favor of when I said that Mr. Roy got enough votes to have the ballot-law commission declare he was elected.

There is another thing I think is significant that I want to call to your attention, and I want this House to remember this. There were two women running for Congress in this district. There were four candidates altogether for Congress.

These precinct election officers returned that Alice Flynn and Annie Rudd received 529 votes, one running on the Labor ticket and the other on the Farmer-Labor ticket, I think, when in fact when they were counted from the ballot box they received 972 votes. In other words, when you come to consider the votes for these women, they gave them just about one-half of what were cast for them. Yet they ask you to seat the contestee on a record of that kind, made by the election officers in this district, which record was not confirmed by the ballots placed in the ballot box by the voters.

I think I have stated the facts about this election. This is the first time in the history of this Government that a Congressman was ever attempted to be seated on a tally sheet. The ballots do not verify the tally sheets. Their integrity has not been impeached. They were kept inviolate and kept by a Republican, and yet they come in here and say you ought to ignore the ballot box, you ought to ignore the fact that they, the friends of the contestee, had the ballots; that you ought to ignore everything and seat the contestee because they have a tally sheet in one precinct which shows that he got more votes than were counted from the ballot box. Is not that remarkable? That would be ridiculous if it were not so serious. And I think most of the membership of the House feel that way about it. These ballots were put in the ballot box by the friends of the contestee [Mr. Jenks]. They were taken out of the ballot box by the friends of Mr. Jenks. They were kept in the custody of friends of Mr. Jenks, and yet they say they want this House to believe that there were 34 votes put in there for Jenks that were not counted for him, and they want us to find they were his votes, and they want us to say that somebody took them out. That is the proposition. There has never been one single solitary iota of evidence to impeach the integrity of these ballots. What did the committee do? It examined every one of the poll holders in Newton precinct. The thing narrows itself down to a question of whether he really got 34 votes or did not in Newton Township. They asked every election officer who held the polls in Newton precinct, What did you do about it? They said they counted the ballots out, and they say, every one of them, that they took every ballot that was counted in Newton precinct and put it into a container and signed and sealed it and sent them to the secretary of state, where they ought to have gone.

Not one of them says that every ballot cast was not put into the container but asserts that they were. Then what did the secretary of state do? He had every box from the district examined as it came into his office and checked every one of these containers. He looked at the Newton precinct. It was intact. It was signed and sealed and in proper condition. No one has ever contended otherwise.

There is some rule of law that covers these cases, and to that I shall call attention for a moment or two. It has been universally held, and has never been held otherwise, that the best evidence always as to how many ballots were cast are the ballots themselves, when they have been kept inviolate. There is not a witness that ever came before any hearing in respect to this matter who ever impeached at any time the fact that these ballots were held inviolate. The counsel for the contestee says that nothing happened to them when the secretary of state had them, and I have quoted both of them in this brief. There are the election officers who took the ballots and put them into the box, and they said nothing happened to them in Newton. That is

the evidence on the question. There is not a scintilla of evidence here that these ballots were ever kept anywhere by anyone that was hostile to this contestee, Mr. Jenks. I repeat that on all occasions they have always been in the keeping of people who were friends or presumed to be friends of the contestee.

This principle of law has been established in this House, and it has been established in every court of common jurisdiction in this Nation. It was held in Butler against Leham, when a case of this kind arose in the Thirty-seventh Congress, that where the ballot boxes were produced by the official custodians, sealed, and in the same apparent condition as when deposited with them, then under these circumstances the burden of proof that they had been tampered with is upon the contestee.

It was intimated here the last time this matter was debated that the burden of proof is upon the contestant but that is not so. Under the circumstances related the burden shifted to the contestee. There was no proof in this case to render it probable that they had been tampered with. Further quoting from the opinion in the case:

There was no proof in this case to render it probable. The contestee called the election officers to swear that their returns were correct, but in the opinion of the committee this testimony neither impairs the case of the contestant nor strengthens that of the respondents. Officers who had declared upon their official oaths that the returns made by them were true would not be likely to come into court afterward and swear that they were false. It was not necessary to determine whether the incorrectness of the returns was due to fraud or mistake; the committee was convinced that the recount represented the true state of the vote.

That is what this Congress has said. It has said it time and again, and it is not necessary for me to quote but one other authority, and that is to quote Payne on Elections.

In this he says that when the statute expressly provides for the preservation of the ballots by a particular officer or for the specific purpose of determining the right to public office the ballots are the highest and best evidence for that purpose and, if preserved as the law required, are the only conclusive evidence of the result of the election. The certified statement and declaration of the officer of election are only prima facie evidence. That is what the able writer has said. That is what this Congress has said; and if you had time to read the case of Haley against Reidelverger, if you had time to read the case of Roberts against Drake, and if you had time to read the case of Srum against Slankard, and many other cases from almost every State of the Union, you would find that it has been always held that when the ballots are preserved inviolate they are to be accepted and are to determine the election.

This House, Mr. Speaker, was exceedingly kind to the contestee in this election. It did him an unusual favor and offered him an unusual opportunity to prove that he received 34 votes that were not counted for him. When it sent this committee to Newton, N. H., to procure evidence which would throw some light upon this contest, I was unfortunately unable to be present myself. I was sick and had to go home. Six or seven members of the committee were present. When they went up to Newton in pursuance to a resolution of this House to get evidence and to determine who was fairly elected and who was entitled to a seat in this body, what did my friends, the Republican Members, do in respect to it? They denied the right of the committee to ask these voters who came there how they voted. Most of them said they voted, and that was all they were allowed to state. Three did say they did not. I will not discuss that, for other Members who went up there will discuss it. They denied the Democratic members of this committee who were present the right to ask these citizens whether they voted for Congressmen or not and for what Congressman they did vote. This was the very question this Congress wanted to know.

Mr. Speaker, this matter could have been cleared up if these gentlemen had gone up there at that time, called the voters, taken a pencil, and as they were called up asked whom

they voted for and counted them. They had volunteered to come there. They were not ordered there by the mandate of a court. You could ask them any question you wanted; and I assert that those who were interested in the gentleman from New Hampshire, Mr. Jenks, could have cleared this matter up by asking these people whom they voted for; but they were not allowed to ask any question except: "Did you vote?" Why! Sixty-two of them did not vote for either Congressman.

Mr. BIERMANN. Mr. Speaker, will the gentleman yield?

Mr. KERR. I yield.

Mr. BIERMANN. On the recount there were 98 who did not vote.

Mr. KERR. Yes, the difference was 98. Ninety-eight people did not vote for either Congressman; yet they want us to take a guess and say there were 34 votes put in there, take a guess and say they were all put in there for Jenks; take a guess and say who took them out. That is what they want us to do. It is ridiculous on the face of it.

Mr. Speaker, they would not allow us to ask how they voted. I was not there, but members of the committee who were there can and will throw some light on this subject; but to show you how far they went, they did not even dare let us ask even the Democratic moderator at the town election whom he voted for.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. KERR. I yield.

Mr. DINGELL. Why did not the majority of the committee insist that the House mandated the gentleman's committee to find that out? I voted to recommit the resolution at the last session in order to determine that. That is the information I sought. The majority of the committee should have insisted, should have overridden the minority.

Mr. KERR. The Democratic members of the committee were not in the majority for the simple reason that one of the members voted with the Republicans in respect to whether this question could be asked.

Mr. WADSWORTH. The gentleman wants to be correct, I know. There were two Democratic members who voted with the Republicans.

Mr. KERR. Two?

Mr. WADSWORTH. Yes.

Mr. CRAVENS. The statement of the gentleman from New York needs explanation.

Mr. KERR. The gentleman from Arkansas will be able to take care of that situation.

Mr. TOBEY. Mr. Speaker, will the gentleman yield?

Mr. KERR. I do not care to yield further. I have taken more time than I intended. Mr. Speaker, I have tried to submit this case fairly, I have stated the facts borne out by the evidence, and the rule of law long held to apply in such cases. [Applause.]

The SPEAKER. The gentleman from North Carolina has consumed 33 minutes.

Mr. GIFFORD. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, I am pleased to state that the issue in this case is very simple and plainly understood. On August 19 of last year this matter was so thoroughly discussed that there was but one issue left to be decided in the mind of anyone. I read to you the words of the chairman of the committee himself on that date:

Before the argument on this case is closed, you will find that the decision in this election contest will be determined on a matter of 34 votes which the contestee received in Newton precinct.

That is the issue, stripped of any other confusing arguments and should be kept in mind as the real solution to be sought by this House.

A motion was made and carried by the House, which reads as follows:

That this resolution be recommitted to the committee; that the committee be and is hereby authorized, empowered, and directed to take or cause to be taken the testimony of the 458 Newton residents shown by the town election records to have voted there in person on November 3, 1936; and such further testi-

mony as the committee may consider relevant to better enable it to determine the issue raised by this case.

Mr. Speaker, there the matter rested. The chairman states that he was taken ill and could not go to Newton, which was very unfortunate; however, seven members of the committee promptly proceeded to carry out the instructions of the House.

The gentleman from New York [Mr. O'CONNOR] in closing the debate on August 19, 1937, declared:

Everybody knows what happens in small election districts. The election officials vote many persons who never go to the polls, but few will admit they did not go.

I refer to this because I do not want during the last minute in debate here today any statements of such prejudicial nature injected into this discussion. The last speaker on this subject today might indulge in such and we must forestall that sort of argument by an appeal to fairness and reason.

Let me read another injection by the same speaker at that time.

Surely no one on this side of the aisle who is a real Democrat could lend himself as a tool to the partisan, conscienceless Republican minority.

What an unfair, ridiculous statement. The chairman of our committee has just told you that contests before his committee have been settled without prejudice or partisanship. Our committee has proceeded in that manner heretofore. But, Mr. Speaker, I have been astounded at the attitude displayed from the beginning in this case. Outside influences seemed to be permeating, designed to affect the decision. It was indeed disturbing that such influences were openly at work and recognized. I do hope that prejudice will not enter into this case, but very adroitly the previous speaker has led you back over the whole proceedings from the beginning and seemed rather to avoid the real and only issue to be considered. We acknowledge practically all the historical events he recited. As he stated, Mr. Jenks was at first elected by 550 votes. At the recount there were found discrepancies and errors in many precincts. But the ballots were always there to determine, explain, and correct the discrepancies by comparisons and investigation.

Mr. CRAVENS. That included the township of Newton?

Mr. GIFFORD. That included the township of Newton, but the missing votes of Newton were not available for such determinations.

Mr. DINGELL. The seal was not broken?

Mr. GIFFORD. That matter will be discussed later.

Mr. DINGELL. Was the seal broken?

Mr. GIFFORD. The seal was not kept, according to the law of New Hampshire.

Mr. NICHOLS. That is not so.

Mr. GIFFORD. I decline to yield. I am here for a brief few minutes to open this case in a general way and will be followed by the gentleman from New York [Mr. WADSWORTH] who has been assigned this particular portion of the argument.

I read from a statement made by the gentleman from North Carolina last year:

In the consideration of the case a majority of the committee recognizes that this House has all the functions of a court of law and we want to make secure the intention of the voters.

He comes before you this afternoon and tries even to disfranchise voters. He is not only unwilling to consider the intent of the voters of that town, but he desires to disfranchise many of the voters. He stated to you that the ballot boxes in Newton had never been impeached. Why, Mr. Speaker, nine sworn election officers certified that 458 actual votes were deposited in the box and that it was sealed by them. There was sworn evidence that the ballots were placed in that box. The gentleman actually declared that the 34 lost ballots were never in the box, did he not?

If you were entrusted with a thousand dollars of my money and nine persons saw that money put into a package, signed, sealed, and delivered, certainly when the package is opened

and \$100 is missing, you would be expected to produce that \$100, to which I would plainly be entitled.

Mr. Speaker, we dislike to make suggestions that might arouse prejudice in the minds of any Members. But the opportunity for tampering with those boxes existed. Read the minority report made last year. We called the secretary of state before us in Newton, and he told us that two officials and several janitors had keys to the vault where the ballots were deposited. It was stated further that at the recount the boxes were hurriedly brought in, dumped on tables, and seals and wrapping removed, without particularly noticing the condition of the boxes. Then, in spite of the law of New Hampshire, the seal was not preserved for investigation. Many word pictures have been drawn of the proceedings at these recounts. Orderly procedure may exist in North Carolina where less than 40,000 might be counted. But here 103,000 ballots were dumped on these tables amid much confusion.

Mr. PHILLIPS. Will the gentleman yield for a brief question?

Mr. GIFFORD. I cannot yield.

The counters had been working up to midnight the night before on another recount, and must have been very weary before the final count in this case was concluded. At the time the Newton ballots were being counted, practically all the counters were out to supper, leaving behind only those who were counting those particular ballots. The officials were off duty at that moment.

Mr. BURDICK. Mr. Speaker, will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from North Dakota.

Mr. BURDICK. The certificate of the officer showed how many ballots in the box?

Mr. GIFFORD. There were 34 missing, 34 less than certified by the election officials of that town.

Mr. BURDICK. When the ballots were opened and recounted by the officials there were missing ballots?

Mr. GIFFORD. They were always missing during or at the first recount.

Mr. PHILLIPS. Mr. Speaker, will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Connecticut.

Mr. PHILLIPS. Are the 34 ballots the question at issue?

Mr. GIFFORD. Entirely. That is the whole question.

Mr. PHILLIPS. What testimony has shown that those 34 ballots which the gentleman says were cast were cast for Mr. Jenks?

Mr. GIFFORD. The sworn returns of nine election officers. When a voter came into the enclosure he first gave his name. He was recognized and checked by the inspectors, one Republican and one Democrat.

Mr. PHILLIPS. Yes; but my question is, What testimony is there that those 34 ballots were cast for Mr. Jenks?

Mr. GIFFORD. I repeat, by the sworn returns of the sworn election officers, which return must be accepted in lieu of the missing ballots.

Mr. PHILLIPS. That shows only that these people voted, not that they voted for Mr. Jenks.

Mr. GIFFORD. No; those returns showed that there were 196 votes for Mr. Jenks and 100 for Mr. Roy. They found Mr. Roy's 100 at the recount, but 34 votes that were cast for Mr. Jenks were missing. This is now fully understood, I am sure. We acknowledged the historical facts as presented, but take exception to such statements that the ballots were never in the box, after being certified by those sworn officials. The ballots were counted and placed in piles of 25. If one package of 25 had been missing, a little imagination might possibly be indulged in.

I desire to draw to your attention the fact that this case was fully debated last August, and that the only issue is the missing 34 Newton votes. The chairman of this committee impeaches the action of his own members who went to Newton. He even says we should have asked them "how" they voted. Did you instruct us to do that? That would have

been a violation of the secrecy of the ballot and of course we should not have asked a citizen how he voted. We were to determine only that 458 ballots were cast. It was agreed by the committee that we should not inquire for whom they voted. The 458 persons whose names were on the check list as having voted, were fully accounted for. As to the nine people who were deceased, the gentleman's own committee joined with the minority in deciding that if two persons would swear they saw them deposit their ballots, such testimony would be sufficient. Those nine were easily accounted for by that method. The sick people were interviewed and sworn by members of our committee.

Of course, we thought the committee were fully satisfied with the results of our investigation at Newton. But after 8 months, when this session was nearly over, to our utter amazement we of the minority were notified that this visit amounted to nothing in the minds of the majority, and that the whole case was to be brought up again and an attempt made to unseat Mr. Jenks, whom the State of New Hampshire, after long and full consideration, had determined to be elected, even by unanimous vote of the ballot-law commission, consisting of two Republicans and one Democrat. I hope the attempt to overturn the final decision of the State of New Hampshire will not prevail.

I am extremely grateful for the fairness exhibited by the Members of the House in this whole matter up to the present time. [Applause.]

Mr. Speaker, I yield 30 minutes to the gentleman from New York [Mr. WADSWORTH].

Mr. BOILEAU. Mr. Speaker, I make the point of order there is not a quorum present.

The SPEAKER pro tempore (Mr. PATMAN). The Chair will count. [After counting.] Two hundred and twenty Members are present, a quorum.

Mr. WADSWORTH. Mr. Speaker, I need not remind the Members of the House that this is a very unusual and extraordinary, as well as interesting case. I am not a veteran of this body, and my examination of the cases of the past has not been very extensive, but I doubt if there has ever been one on all fours with this one.

The chairman of the committee has recited accurately the story of the various recounts, beginning in the secretary of state's office, and also the examination into the case made by the Ballot Law Commission of New Hampshire, its examination of the 108 contested ballots, its final recount of the whole situation, with its decision, as at first rendered, that Mr. Roy had been elected by 17 votes. I think he has rather attempted to persuade you it was by intention that the situation at Newton was brought to the attention of the ballot law commission or the Governor and his council very late in the proceedings. It is true attention was brought to it late, and this is the reason: A man named Estabrook in the town of Newton, reading of the proceedings at Concord and looking over a summation of the returns from the various precincts in this congressional district, noticed that Newton was credited only with having had 424 ballots in its box, and he remembered that 458 people had voted in Newton. So, if my recollection is correct, he telephoned either to Mr. Jenks or one of his representatives that there was something wrong about that Newton figure; and the ballot law commission, on the request of the Governor, decided to reopen the case insofar as Newton was concerned. In doing so the commission got the records from the Newton election district with the check list and the tally sheet, and made up its mind that these records were so well kept, including the check lists and the tally sheet, together with other evidence, as to support their final conclusion that 34 ballots actually were missing out of the Newton box somehow—no one has ever said exactly how—and upon that basis and in all good faith they received their opinion unanimously and declared that Mr. Jenks had been elected by 10 majority.

Now, this brings it to the House of Representatives, first to the committee and then to the House, with this question of the 34 missing ballots.

Let me trace briefly, if I can, what happened in this connection. Under the law of New Hampshire it is the duty of the secretary of state to send to every precinct in the State a certain number of days before election a number of ballots sufficient for the carrying on of the election, and the number is fixed by law. Seven hundred and twenty ballots were sent to Newton by the secretary of state. This is in the sworn testimony, and the sworn testimony shows that 720 ballots were received at Newton by the town clerk, Mrs. Hayford. Under the law, at the conclusion of the election, the count having been completed by the election officers at Newton, it was the duty of those officers to put into that ballot box not only the used ballots but the spoiled and unused ballots; in fact, all the ballots that had been sent to Newton must be sent back to Concord. They swore that they put in the 720. When the ballot box was opened at Concord there were only 686—34 ballots missing. Now, this is substantiating evidence that 34 ballots disappeared. It is not conclusive evidence.

Now, as to the question asked by the gentleman from Connecticut [Mr. PHILLIPS], the returns from the town of Newton as announced by the election board gave Jenks 296 votes and gave Roy 100 votes. When the box was opened at Concord and recounted, Roy still had his 100 votes and Jenks had 262—34 votes were lost by Jenks. No one on the Democratic ticket lost a single vote. Roy did not lose a vote in that recount. Not only did Jenks lose 34 votes, but all other Republican candidates on the ticket running in that town lost 34, 33, or 32.

Mr. PHILLIPS. Mr. Speaker, will the gentleman yield there?

Mr. WADSWORTH. I yield.

Mr. PHILLIPS. In other words, putting it another way, as I get the picture from the gentleman who has just spoken, all these ballots were put into a box, as the gentleman has just outlined, and there was a tally of the votes given to Jenks and a tally of the votes given to Roy.

Mr. WADSWORTH. Yes.

Mr. PHILLIPS. And that tally was sent to a higher authority in the State?

Mr. WADSWORTH. Yes.

Mr. PHILLIPS. And then the ballots were put in a box and the box was sealed and sent to Concord?

Mr. WADSWORTH. Yes.

Mr. PHILLIPS. And when the box was opened the ballots did not check with the tally?

Mr. WADSWORTH. They did not, they were 34 short, and the whole shortness was at Jenks' expense.

Mr. PHILLIPS. May I ask just one other question? It is not quite clear to me now why with other irregularities in other towns, you are centering on Newton.

Mr. WADSWORTH. The discrepancy in Newton is the only discrepancy that stands out at all. The House of Representatives decided by vote here last August that this whole thing rested upon the Newton situation.

Mr. LAMNECK. Mr. Speaker, will the gentleman yield?

Mr. WADSWORTH. Yes.

Mr. LAMNECK. I agree with the gentleman that this whole proposition centers around the situation at Newton.

Mr. WADSWORTH. Yes.

Mr. LAMNECK. There were 458 votes cast. The tally sheet shows that.

Mr. WADSWORTH. Yes.

Mr. LAMNECK. And when this committee of ours went to Newton they found that the same number of people voted that the tally sheet showed.

Mr. WADSWORTH. Yes. I shall come to that now.

Mr. PHILLIPS. Just one other question.

Mr. WADSWORTH. Yes.

Mr. PHILLIPS. Did both contestants agree to forget everything but the town of Newton?

Mr. WADSWORTH. Oh, no, Mr. Roy's attorney never agreed to that, but the House of Representatives settled that. The committee went to Newton under the order of the House to find out how many people voted in Newton—not

how they voted. The tally sheet showed how they voted, if we could demonstrate they voted, in accordance with the number on the check list.

Mr. BIERMANN. Mr. Speaker, will the gentleman yield?

Mr. WADSWORTH. I shall probably reach the gentleman's question. Seven of the committee went to Newton. The chairman, as he said, did not go. Neither did Mr. THOMAS of Texas. Mr. CRAVENS acted as the chairman of the committee. We got there on Wednesday, four of us. They were Mr. MOSIER of Ohio, Mr. BEITER, Mr. WOLVERTON, and myself. We arrived at Manchester and hurried to Newton, which is 40 miles away. We found this little New England village. We located the town officials and told them that the full committee would meet the next day and to go to work and send for all of the voters in Newton who were on that check list. They offered to cooperate, and they did so with extraordinary cheerfulness and effectiveness. We sent out notices and got our postal notices into three or four rural post offices that night, to notify all of the qualified voters of Newton that the committee had arrived as the result of the order of the House of Representatives to find out whether or not they had voted. They came in automobiles and on foot. They were willing to testify. I have never seen a more cheerful cooperation, and, incidentally, I think I am not wrong in saying that perhaps they rather entertained the feeling that we had come up there to find whether they knew how to run an election honestly. Little old ladies would get on the stand and on being asked whether they were present on November 3, 1936, and "Did you vote?" would turn and reply, "I suddenly did." On Thursday, Friday, Saturday, and the following Monday men and women took the stand, took the oath, and swore that he or she had voted on November 3, 1936. Four hundred and thirty-six of them appeared in person. The chairman of the committee says that the ballot box at Concord has not been impeached. There were 424 ballots in the box at Concord. When we found the four hundred and twenty-fifth voter in Newton, that ballot box was impeached. Four hundred and thirty-six appeared in person. Nine had died. As has been said, the committee agreed unanimously that if two persons would testify under oath as to each one of the deceased, that they had seen that person vote, we would accept that as conclusive testimony. Four hundred and thirty-six plus nine makes four hundred and forty-five. Six persons were so ill they could not come. Mr. MOSIER of Ohio and I were named a subcommittee to visit them at their bedsides with a notary public and put them under oath and have them sign an affidavit that they had voted. That makes 451. On Monday, when the proceedings ended, seven persons had still not appeared. They were so far away they could not be reached, and it was agreed by the committee that instead of waiting around to find the remaining seven, a subcommittee of two or three would be appointed to reach them sometime before the Congress convened in extra session.

That committee was appointed, but it never served. The gentleman from Oklahoma [Mr. NICHOLS] was its chairman, but for some reason or other the committee did not call on those seven persons at that time. Now we have gone up to 451. Your ballot box is impeached. However, when the minority members of this committee ascertained last April—and mind you all of these months had gone by—that the majority was insistent upon unseating Mr. Jenks, it was then agreed that two persons of the committee would go back to New Hampshire and try to find those seven absent people.

The gentleman from New Jersey [Mr. WOLVERTON] went, and the gentleman from New York [Mr. BEITER] intended to go but at the last moment found it impossible; but the gentleman from New Jersey had departed. Mr. WOLVERTON found a notary public and traced down all seven of those people and got sworn affidavits that they had voted. This made the 458. There can be no collusion in it. These people all knew each other. You cannot fool one of them in Newton. The committee accomplished the task that the House of Representatives set it to do.

Mr. BIERMANN. Mr. Speaker, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. BIERMANN. There is nothing in the resolution this Congress adopted at the last session, and for which I voted, that restricted this committee merely to finding out how many votes were cast. According to the gentleman's statement, while 296 votes were cast for Jenks and 100 for Roy on the official returns, that leaves a balance of 62 votes unaccounted for by the second recount, and the ballot box shows that there were 96 votes unaccounted for; that is, I mean to say that none of them voted for either candidate for Congress; 62 in one instance and 96 in the second instance. What I want to know is why the committee assumed that none of those 96, none of those 62, could have possibly been for Mr. Jenks. They assume that if there is any discrepancy every single vote was for Mr. Jenks?

Mr. WADSWORTH. Because it was Jenks alone who lost 34 votes. Nobody else lost 34 votes, none of his opponents.

Mr. BIERMANN. How could the gentleman assume that none of these 62 could not have accounted for some of the 34?

Mr. WADSWORTH. Perhaps they did, no one can tell. We know, however, that Jenks had 296 on those returns and that Roy had 100 and that on the recount Roy still had his 100 and Jenks lost 34. So if ballots were taken from that box, obviously they were Jenks' ballots.

Mr. McKEOUGH. Mr. Speaker, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. McKEOUGH. After the counting, how many of the Democratic representatives of the election board signed the tally sheets showing Mr. Jenks got 296?

Mr. WADSWORTH. I do not remember, but I do know that the law was strictly adhered to and that it was subscribed by all the members of the election board.

Mr. McKEOUGH. All of them subscribed?

Mr. WADSWORTH. Nine of them, Democrats and Republicans swore to it.

Mr. KITCHENS. Mr. Speaker, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. KITCHENS. Let us admit—and it appears that 458 ballots were placed in the box—that everything was honest, that there was no conspiracy, no fraud, that everybody acted honestly in this matter. These ballots were sent to the secretary of state. There was a great, large number of ballots from 14 different counties. The attorney for the contestant and the attorney for the contestee were there, they were examining these boxes to see that they were intact, to see that the seals had not been broken. Those ballots were all placed along those tables. Suppose that the 34 ballots to which the gentleman refers became mixed with some of the other ballots. The secretary of state, Mr. Fuller, says that if those 34 ballots did become separated there in that large number of ballots along those tables, that those 34 ballots were counted for Mr. Jenks already. What does the gentleman say about that?

Mr. WADSWORTH. We had no such testimony that I recollect.

Mr. KITCHENS. Mr. Fuller said that if they became separated there at those tables that then those ballots must have been counted for Mr. Jenks along with the others.

Mr. WADSWORTH. The gentleman is assuming something that has not been proved or even suggested seriously to our committee. All I can say about the ballot box is this: It is a fact that eight people had keys to the storeroom in which the ballot boxes were kept. It further is the fact that after counting all day the counters, the people counting under the direction of the secretary of state, adjourned for supper, and while they had adjourned for supper the Newton ballot box was left in that room.

Mr. GIFFORD. Mr. Speaker, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. GIFFORD. Relating to such a discrepancy I want to say to the gentleman that that discrepancy if found in an-

other batch of ballots would have been so great that it would have been noted in another count on another tally.

Mr. PALMISANO. Mr. Speaker, will the gentleman yield?

Mr. WADSWORTH. Not for the moment, if the gentleman will pardon me.

I want to make it perfectly clear, Mr. Speaker, if I can, what the duty of this committee was. It was to go there and find out how many of those people voted. I am not alone in this interpretation of the mission of the committee.

On page 54 of the testimony taken at Newton, the gentleman from Oklahoma [Mr. NICHOLS] made this statement:

If this committee is able to ascertain whether or not there were 458 ballots cast in this election and for the sake of argument, say, that they found to their complete satisfaction that 458 were cast, then the committee must immediately conclude, must it not, that there were 34 ballots put in that box at some time or another which are not there now; that much is right, is it not?

That is what the gentleman from Oklahoma said up in New Hampshire. Again on page 56 he stated:

My idea was that the purpose of this committee in coming to Newton was to ascertain by interrogating the voters of the town of Newton whether or not there had been 34 ballots cast in this election which after they had been cast had in some manner or another disappeared. I thought that was what we came here for.

Yet the gentleman signed the majority report.

Mr. NICHOLS. Will the gentleman yield?

Mr. WADSWORTH. I yield to the gentleman from Oklahoma.

Mr. NICHOLS. Would the gentleman mind reading some of the rest of my statement, stating to the House what it was that led up to this discussion? The gentleman has quoted those statements in the minority report.

Mr. WADSWORTH. Yes.

Mr. NICHOLS. As a matter of fact, there was a discussion between Mr. Wyman and myself, Mr. Wyman being attorney for Mr. Jenks. The first quotation was from page 54?

Mr. WADSWORTH. Yes.

Mr. NICHOLS. Now, then, following that immediately is Mr. Wyman's statement:

I should say, that is, may I add, if I understand your question, that 34 ballots were duly put into the box by qualified voters in the town of Newton. I do not want any misunderstanding about that.

Mr. NICHOLS. Make it as strong as you like. According to the returns by the election officials of the town of Newton 458 ballots were cast. Of that 458 ballots only 396 were cast for a candidate for Congress in this town. That is correct, is it not?

Mr. WADSWORTH. One minute. Two or three independent candidates for Governor got two or three votes.

I am not going to take any more of the gentleman's time, but in my time I will read the rest of that debate or discussion between Mr. Wyman and myself, because the gentleman's statement is very misleading.

Mr. WADSWORTH. I did not intend it to be. All of our conversations were up at Newton. I remember many of them.

Mr. NICHOLS. I do not remember all of them, but the record will show.

Mr. WADSWORTH. Mr. Speaker, I cannot reconcile the action of the majority in view of what we found at Newton.

The House sent the committee up there to do a job. We have done it. We have demonstrated under sworn testimony that all the people alleged to have voted in the town of Newton, according to the returns given from that town, did actually vote. That being the case, the controlling evidence is the tally sheet as to how many votes Mr. Jenks got. You cannot get away from it. We have impeached the ballot box at Concord.

That is all I have to say and I yield back the balance of my time.

Mr. KERR. Mr. Speaker, I yield 10 minutes to the gentleman from Massachusetts [Mr. McCORMACK].

Mr. ANDREWS. Will the gentleman yield? Is the gentleman a member of the committee?

Mr. McCORMACK. Mr. Speaker, the gentleman from New York [Mr. WADSWORTH] who has just concluded states that the controlling evidence is the tally sheet. The tally sheet has never been the controlling evidence in any contested-election case, in the absence of fraud. The tally sheet of itself is not evidence. The evidence is the ballot itself and in the absence of fraud connected with some one of the parties to a contested-election case, the tally sheet has never been considered as evidence in a contested-election case. To do so would mean that every man who is in a close district, Republican or Democrat, will face the future probability or the future possibility of having a mere tally sheet control the election. That is the dangerous situation which the election committees of the past have recognized and properly so, in the absence of fraud, remember, on the part of one of the parties, insofar as the acceptance of a tally sheet, a mere tally sheet, as conclusive evidence is concerned.

In this case there is no evidence of fraud. No evidence of fraud is charged against anyone. It is simply a question of the strange 34 ballots. No one accuses the secretary of state, nobody accuses anyone of fraud, and certainly Mr. Roy, the Democratic nominee in this contest, at no time during these hearings or the evidence in relation thereto, has been to the slightest extent accused of fraud.

The gentleman from New York [Mr. WADSWORTH] says that the integrity of the ballot box has been impugned. If the integrity of the ballot box has been impugned, that is evidence detrimental to Mr. Jenks. It is evidence in favor of Mr. Roy, because this committee when it went up there would have to find everything perfectly in order to sustain the contention of Mr. Jenks in relation to the 34 ballots that are missing; and nobody knows how those 34 persons voted, and if in fact they did vote, if they were cast for the Republican candidate for Congress.

Mr. GOLDSBOROUGH. Will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Maryland.

Mr. GOLDSBOROUGH. If the House is bound to assume the truth of the statement of the various voters that they did vote, why would we not be equally bound to assume the truth of their statement as to who they voted for? In other words, why should they not also have been allowed to state how they voted?

Mr. McCORMACK. The gentleman from Iowa [Mr. BIERMANN] asked that question of the gentleman from New York [Mr. WADSWORTH]. The gentleman from New York in response to that stated they went up there to inquire who voted, not how they voted.

The gentleman from Iowa was correct when he said that when he voted for the motion to recommit he gave the committee complete authority to enter into all the aspects of the case in connection with the Newton vote. The gentleman from New York says the committee did its duty. The three Republicans on the committee voted against inquiring of any of the witnesses how they voted and if they voted for the office of Representative in Congress.

Mr. TOBEY. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I hesitate to decline to yield, but I have only 10 minutes.

Mr. TOBEY. I want to correct a misstatement.

Mr. McCORMACK. Does the gentleman accuse me of making a misstatement?

Mr. TOBEY. No; I do not.

Mr. McCORMACK. I like the gentleman, but I cannot yield.

Mr. TOBEY. It will not take me 30 seconds to clear it up.

Mr. McCORMACK. The language of the motion to recommit is plain. The motion to recommit states:

Directed to take or cause to be taken the testimony of the 458 Newton residents shown by the town election records to have voted there in person on November 9, 1936, and such further evidence as the committee may consider relevant to better enable it to determine the issue raised by this case, that the committee be authorized to expend such sums—

And so forth.

This shows that the committee had unlimited authority to go into all aspects of this matter in connection with the Newton vote and report back to the House, but when they went up there the three Republican members voted against asking any of those who appeared, for whom they voted, or even if they voted for a candidate for Congress, yet the record shows that there were 62 ballots out of the 424 or 458, whichever was cast, wherein the voter did not vote for a candidate for Congress. One-seventh of the voters casting a vote there, or approximately 14 percent, did not vote for a candidate for Congress in a hotly contested congressional fight. You and I know from our experience in our own districts that the percentage of those who do not vote for a candidate for Congress, even where there is no contest, nowhere nearly approximates 14 percent.

Mr. GAVAGAN. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I am sorry, I cannot yield.

The gentleman from New York [Mr. WADSWORTH], if I understood him correctly, has stated that the first time they knew of the 34 missing ballots was when Mr. Jenks in December received a wire from Mr. Estabrook. I know the gentleman from New York states what he understands to be the evidence, but we have evidence here under oath of an incident that happened in November 1936. The telegram mentioned by the gentleman from New York was sent in December to Mr. Jenks, after the ballot-law commission had decided that Mr. Roy had been elected. On November 24 the recount took place before the secretary of state, and Mr. Fuller, secretary of state, under oath, as will be found on page 95 of the hearings, testified that the discrepancy between the tally sheets and the ballots of 34 votes was noticed and known at the time the ballot boxes were opened, and that the attorneys on both sides were aware that there was a discrepancy of 34 ballots.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I cannot yield. My time is very limited. I have declined to yield to two other gentlemen.

At the time of the recount the 34 ballots were never disputed. If you had an opponent and that situation confronted you, would you not expect your attorney or his attorney to claim then that there was something irregular about that, and an opponent did not claim it then, would you not say he had waived it? Would you not say he was estopped from later asserting it?

Let us go further. The ballot law commission decided that Roy was elected by 17 votes. The ballot law commission knew of this discrepancy. The attorneys for both sides knew of it, but they never raised a question about it. Mr. Jenks knew that when he went down South. Then, later, when Mr. Estabrook sent him the telegram and he saw the opportunity that was presented, he sent a telegram back, as a result of which the ballot law commission took its second action, after the Governor had refused to issue the certificate of election to the Democrat for 10 days, during which time Roy, the Democrat, was trying to get his certificate of election. If the then Governor of New Hampshire had issued the certificate of election as he should have, instead of waiting 10 days, Roy would be sitting here today and not Jenks. Jenks would be fighting this case, and Roy would have been the sitting Member during the last 2 years. But the Governor declined to issue the certificate of election after the ballot law commission had determined that Roy, the Democrat, had been elected. Then, when a telegram was received, a rehearing was held and the whole number of votes cast recounted. Then Roy's attorneys appeared before the ballot law commission and claimed that it should determine what action should be taken with reference to the 34 ballots before the votes were counted, which was being done a second time, the first time by the secretary of state. The first hearing of the ballot law commission passed upon 101 disputed or contested ballots, and after considering these ballots declared Roy elected by 17 votes.

I repeat, the first time they only passed upon the 101 contested ballots, protested at the time of the recount of the secretary of state, but the second time they counted all the

ballots and they had reserved decision on 34 until the end. If the Democrats had lost by the 34 they would have thrown them out of the window, or if the Republicans had won they would not have passed upon them, but after the recount Roy was 24 votes ahead, but Roy could be defeated if these 34 votes were counted for the Republicans. With no question of fraud involved, with no question of larceny attaching to anyone, they arbitrarily said that these 34 persons, and nobody knew who they were, nor how they voted, voted for the Republican candidate. How could anybody determine this, and yet in 114 precincts out of 129 precincts errors were ascertained in that particular congressional district.

Mr. Speaker, I submit in conclusion, as the dean of the New England Democratic delegation, speaking as I am in that capacity and as a Member of the House, the evidence shows that Roy was elected and that he should be seated. [Applause.]

Mr. GIFFORD. Mr. Speaker, I yield 5 minutes to the gentleman from New Hampshire, Mr. Jenks.

Mr. JENKS of New Hampshire. Mr. Speaker, the only reason I am taking the floor—and I had not intended to—is because of the letter that you all received from Mr. Roy, and there is something in the second paragraph of that letter than I want to make clear to you.

Mr. DINGELL. Mr. Speaker, will the gentleman yield there? We received one from you, too, did we not?

Mr. JENKS of New Hampshire. Oh, yes; certainly.

The language I refer to in that paragraph reads as follows:

Mr. Jenks on the floor of the House last July stated, "I never before in my life have run for a political office. I do not know anything about politics." The truth is that Mr. Jenks in 1934 ran for Congress against William N. Rogers.

This statement evidently is correct. I have not looked at the record, but I am taking it that this is correct where he quotes that I said I never before in my life had run for a political office. What I meant to have said was that I never before ran for—well, what do I want to say? [Laughter.] That is all right, gentleman, you can laugh if you want to—that I never ran for any other political office. That is what I meant to say. I left out the word "other," and I want you men to know I am not standing on this floor to try to defend the truthfulness of myself. I think I have been in this Congress long enough and I have served on committees in this Congress long enough for at least all of the members on those committees to know that I must be somewhere near an honest man. [Applause.]

Mr. NICHOLS. Mr. Speaker, will the gentleman yield?

Mr. JENKS of New Hampshire. Yes.

Mr. NICHOLS. Of course, the gentleman does not mean to state that Mr. Roy in his letter is stating an untruth, either?

Mr. JENKS of New Hampshire. No.

Mr. NICHOLS. He is speaking from the record.

Mr. JENKS of New Hampshire. He quoted me correctly. I made a mistake in not saying I never before ran for any other office than for Congress.

Mr. CRAVENS. Mr. Speaker, will the gentleman yield?

Mr. JENKS of New Hampshire. Yes.

Mr. CRAVENS. You had an opportunity, did you not, to make this correction in the bound volume of the RECORD?

Mr. JENKS of New Hampshire. I presume I did.

Mr. CRAVENS. Did you make the same correction there that you are making here? I call your attention to the bound volume of the CONGRESSIONAL RECORD of August 19, in which you use this language:

I do not know anything about politics, but I do know that I feel it a wonderful honor to be a Member of this splendid body of men and women.

You did not make the same correction there that you are making today, that you had run for no other political office.

Mr. JENKS of New Hampshire. I do not get what you are trying to bring out.

Mr. CRAVENS. The gentleman said instead of making the statement that he never ran for political office, he meant to say that he had never run—

Mr. JENKS of New Hampshire. For any other political office save Congress. Mr. Speaker, I do not yield further. I simply come here to stand before you gentlemen and say if you got a wrong impression from that letter, that is, the impression that I deliberately stood on the floor of the House and tried to make you believe I had never run for any office before, I was just trying to correct that impression, and that is all. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New Hampshire has expired.

Mr. GIFFORD. Mr. Speaker, I yield the gentleman 3 minutes more.

Mr. JENKS of New Hampshire. Mr. Speaker, as long as I am on my feet I just want to say this. You men and women in this House sent this committee to the town of Newton, because I pleaded with you to do it, and I think by the result of that investigation that I and you have been vindicated. This committee went up there, and they got the sworn testimony of every man and woman in that town who went to the polls and voted—458, with the exception of those people who had died in the meantime. The press of the country commented—and you read it in your own local papers here in Washington—on the fact and the honesty and fairness of the overwhelming majority of Democrats in the House, and stated that when they voted to send that committee up there they had acted fairly, and I think you did, and I want to thank you again for doing it.

I have just this to say in closing: The Chaplain this morning in his prayer said something about sincerity and conscience, and there was one other word I would like to say, but I do not remember what it was. All I ask of you men is to weigh the evidence that has been presented here today. I do not believe you want to say to the people in the town of Newton that this great House of Representatives sent a committee up there and that that committee came back here and said to its members, "We do not believe the people in Newton under oath." I do not believe you want to have the people of New Hampshire feel that this House is going to say that there are 458 people in that State that this great House of Representatives will not believe under oath, and I do not believe you want it to go back to your districts, and spread wide over the country, that this Congress will not take the sworn testimony of 458 people in the State of New Hampshire. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New Hampshire has again expired.

Mr. KERR. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Speaker, I have been interested in this election contest from the beginning, because it was only a few days after the election that Mr. Roy and his counsel came to me, and I have been advising with them ever since. I cannot recall any election contest in this House up to this moment where any injustice has been done to a Member. There is nothing more important to a man than to have the seat to which he was elected, even though it means the unseating of a man who has been here, who was not duly elected. We all feel hesitant about unseating a colleague, but we must consider the man who was duly elected. Let us put ourselves in his shoes, and many might be in those same shoes next fall. Others may be here with an election contest in the next Congress. I do not believe that anybody would consciously, from a partisan standpoint, vote to unseat a man if in his heart he felt the man was entitled to his seat.

But you recall when the motion was under consideration to recommit this matter to the Committee on Elections and send this committee to New Hampshire that I opposed it and said it was a most outrageous procedure, that it was an innovation in an election contest. However, all that is past. Permit me, however, to point out this to the Democrats. There was a difference of opinion upon the Democratic side in the last session. It was an honest difference of opinion. Many Democratic Members felt there was a real issue here, and that the Elections Committee should look

into the matter further; that possibly Mr. Jenks was entitled to the seat. The significant thing was that while there was a difference of opinion on the Democratic side of the aisle there was no difference of opinion whatsoever on the Republican side of the aisle. Every single, solitary Republican Member stood up and voted for Mr. Jenks. It is beyond comprehension that Members on the Democratic side should have an honest difference of opinion, and that such a division of minds should not affect even one Member on the Republican side of the aisle.

The issue in this contest comes down to the 34 votes in Everett—votes that nobody ever saw, votes concerning which nobody ever cast suspicion of their being lost, stolen, or of their flying out of the ballot box. Everyone who handled the votes in that district, seven Republicans and two Democrats, says that every ballot cast was put into the ballot box and the box was duly sealed and was sent to the secretary of state, a Republican. The seals were never broken. The box then went to the board of election appeals consisting of two Republicans and one Democrat.

Mark this significant feature. On election night Mr. Roy, a distinguished citizen of New Hampshire who has held high public office in that State, was reported to have been defeated by some 500 votes. That was the first count reported. Thereafter discrepancies in 114 of the 129 districts appeared. Of course you have not heard any talk about that around here. So, as an afterthought, after they had tossed Mr. Roy around, the Republicans could not count him out when all the ballots were laid out and counted and recounted, so then as an afterthought these "missing" 34 ballots were brought up as an issue by Mr. Jenks.

Mr. CREAL. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. CREAL. In these 114 precincts, was there a single precinct where the discrepancy was made in favor of a democrat?

Mr. O'CONNOR of New York. No; I understand not. All the discrepancies had favored the Republican. And as I said, when the committee went up to Everett to take testimony, they never had a chance of getting those Republicans to go on the stand in front of the entire Republican State officials and local officials and even intimate in any way by any possibility they had voted the Democratic ticket. Such an admission would have subjected those citizens for all time to public oppression.

The distinguished gentleman from Iowa [Mr. BIERMANN] today made a significant contribution to this debate in referring to the 62 votes that were not cast for any Congressman at all.

Mr. BATES of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. I yield.

Mr. BATES of Massachusetts. What does the gentleman think would happen if the committee asked any of those people how they voted?

Mr. O'CONNOR of New York. I would think that would be the most disgraceful, un-American procedure we could have followed. Oh, I know what they would have said there in public in front of the Republican officials, they would have said they voted for Mr. Jenks, and Mr. Roy would not have gotten any votes at all from that district on such oral testimony.

Mr. BATES of Massachusetts. I do not think that would have happened.

Mr. O'CONNOR of New York. I am sure it would have happened. Oh, no; those citizens would not be telling an untruth; they would merely be protecting themselves against future sabotage. Maybe they were even looking for "relief." [Laughter.]

[Here the gavel fell.]

Mr. KERR. Mr. Speaker, I yield 2 additional minutes to the gentleman from New York.

Mr. O'CONNOR of New York. From 30 years' experience with elections, serving as counsel in election contests in city and rural communities, let me tell you the only deducible conclusion in this case. You cannot always get absolute proof,

but you can put two and two together. You Members from the rural communities, and you other Members who have had experience in election cases, follow this, please. Here is what happened: The check list was handled in the back room of the polling place. The ballots were also in that back room. The lists were checked in the back room where the ballots were, and there were 34 ballots marked for Mr. Jenks that were intended to be put in the ballot box; but something happened. The industrious markers just never were able to put those 34 ballots in the ballot box before the polls closed or the count was taken. You cannot arrive at any other practical conclusion if you know anything about the conduct of elections with paper ballots in a rural community. As to the unused ballots all being accounted for, as stressed by the distinguished gentleman from New York, that is easily accounted for. Those 34 ballots marked for Mr. Jenks which chance prevented being stuffed into the ballot box were easily erased and restored to their virginity of unused ballots. [Applause.]

Mr. GIFFORD. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. BOILEAU].

Mr. BOILEAU. Mr. Speaker, we are about to perform one of the most important functions in a democracy; that is, to be sure that the people have their choice of officers in the respective offices, and particularly in the Congress of the United States.

The distinguished gentleman from New York who just left the floor tried to inject politics into this matter. I want to say to you that there are no politics and there should be no politics in a contest for a seat in this House. He pointed out that, although some of you Democrats were divided in your opinions on this matter, every Republican was on one side. I come before you today as one who is far removed from partisan interest in this matter. I am neither a Republican nor a Democrat. We Farmer-Laborites and we Progressives in this House are trying our very best to decide this matter on its merits. We feel that partisanship has no consideration in it.

Mr. BIERMANN. Mr. Speaker—

Mr. BOILEAU. Mr. Speaker, I decline to yield. The gentleman from New York tried to bring in the issue of partisan politics, but I say to you that we Farmer-Laborites and Progressives consider this matter on its merits. I may state that every single one of them in this House, the 12 Farmer-Laborites and Progressives, will vote to seat Mr. Jenks because we believe he was duly elected to this House. [Applause.]

Two distinguished Members of this House have talked, the gentleman from Massachusetts [Mr. McCORMACK] and the gentleman from New York [Mr. O'CONNOR], and both tried to make a big point of the fact that there were only 396 votes cast. Well, you know and I know that there never is an election where all the people vote all the way down the line for every office. You know and I know that in each election there are many people who will vote for the top of the ticket who will not vote for the other officers down the line. They may think it is too much out of proportion, I do not know; but that is the fact. I have not had a chance to study the record, but the testimony is that there were 296 votes for Jenks and 100 votes for Roy; and do not forget that there were candidates in the office, not two. Some of the other 62 ballots may have been cast for one or both of the ladies who were running. I do not know, for I have not got the record.

Mr. NICHOLS. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. I yield.

Mr. NICHOLS. According to the testimony, two votes were cast for one woman and one for the other.

Mr. BOILEAU. That accounts for three. That is a few, at least. If ballot boxes had been stuffed for Jenks, there would have been 634 more.

When the people went to vote, one man checked off on the list and the man checked off 458 voters. Then the voters cast their ballots.

As they put every ballot in the box, the vote was checked. They checked 458. Both of those were separate checks.

There were 458 ballots. Then immediately after the polls were closed, the ballots were still folded and the first thing they did before they started tabulating the votes for the various candidates was to count the number of ballots, put them in piles of 25 to see whether or not the actual number of ballots compared with the number of people who were purported to have voted and who were recorded by the checkers. They counted, not 424 but 458.

Mr. KERR. Will the gentleman yield?

Mr. BOILEAU. I yield to the gentleman on that point.

Mr. KERR. The gentleman seems to be defending the election officers up there.

Mr. BOILEAU. I do not yield on that.

Mr. KERR. I call the gentleman's attention to the fact that those election officers only returned 332 votes for the Farmer-Labor candidate, when in actual truth he received 720.

Mr. BOILEAU. I do not know anything about that.

Mr. KERR. I am quoting from the record, that is all.

Mr. BOILEAU. I do not know anything about that.

[Here the gavel fell.]

Mr. GIFFORD. Mr. Speaker, I yield the gentleman 4 additional minutes.

Mr. BOILEAU. Mr. Speaker, I know nothing about that particular matter. We are judging here a contest as between the gentleman from New Hampshire [Mr. Jenks] and Mr. Roy. I submit that those people counting the ballots counted 458 actual ballots that were cast at that time, so that there can be no question about that. If there were 458 ballots cast in the first place, and when they had the recount it showed only 424, there were 34 ballots missing. I call your attention to the fact that those 34 ballots that were missing were straight Republican votes and there is no way to get around that, because each and every one of the Republican candidates lost between 32 and 34 votes on the recount and that was true all the way down the line. Thirty-four votes were lost on the recount by all the Republican candidates, so they must have been straight Republican ballots.

The only question for us to determine here is whether or not there were 424 ballots cast or 458 ballots cast. We had this matter up in the House during the last session of the Congress and it was the opinion of the majority of the membership of the House that the question to determine was how many people voted. Were the checkers right? Were those who counted the ballots right? Were those who made the tabulations right when they said that 458 people had cast their ballots?

Mr. Speaker, we sent our committee up there to make an investigation. The committee acted diligently and it found those people had voted. They accounted for all but five. All but 5 of the 458 people either testified under oath that they had voted or else other people testified that they had voted, because the particular people involved were either away or had died. This committee showed conclusively that there were more than 424 ballots cast and that the figure of 458 was either accurate or approximately so. There can be no question about that. We must accept that.

Mr. Speaker, we have to accept our responsibility here today and vote in accordance with the kind of evidence that should convince you and I whether or not Mr. Jenks or Mr. Roy is entitled to a seat in this House.

Mr. HOUSTON. Will the gentleman yield?

Mr. BOILEAU. I yield to the gentleman from Kansas.

Mr. HOUSTON. What was the vote, 296 to 100?

Mr. BOILEAU. Yes.

Mr. HOUSTON. Why not divide the 34 then in the same ratio then as between Mr. Jenks and Mr. Roy?

Mr. BOILEAU. The gentleman refers to the 34 votes that were taken out between the time they were put in the ballot box and the recount and asks, if the 34 votes were removed, lost, or stolen, why give them all to one man? Because the recount shows that every single one of the Republicans lost from 32 to 34 votes, so that they were Republican votes that

were taken out. That is why. It is as clear as the nose on the gentleman's face. That is just exactly the situation and it is just as simple as that. May I ask the gentleman from Massachusetts if I have not properly stated the situation?

Mr. GIFFORD. The gentleman is speaking to that side of the House and I could not hear him.

Mr. BOILEAU. I say every Republican in the recount lost from 32 to 34 votes.

Mr. GIFFORD. That is right.

Mr. BOILEAU. I ask the gentleman from Oklahoma if that is not right?

Mr. NICHOLS. What is that?

Mr. BOILEAU. On the recount as compared with the original certification of the ballot clerks, each Republican lost approximately 32 to 34 votes; is that not true?

Mr. NICHOLS. I do not know.

Mr. BOILEAU. Did not every one of the Republicans lose from 32 to 34 votes?

Mr. NICHOLS. I do not know.

Mr. BOILEAU. The gentleman should know that. It is in the report.

Mr. NICHOLS. Well, show it to me.

Mr. BOILEAU. I am asking the gentleman, in all fairness.

Mr. NICHOLS. I do not know. You will have more time to show it.

Mr. BOILEAU. Mr. Speaker, I challenge any Member on the Democratic side to dispute the statement I have just made—that when it came to the recount it showed that every Republican lost between 32 and 34 votes. I defy any Member to deny that statement.

[Here the gavel fell.]

Mr. KERR. Mr. Speaker, I yield 10 minutes to the gentleman from Arkansas [Mr. CRAVENS].

Mr. CRAVENS. Mr. Speaker, I cannot subscribe to the statement made by the gentleman from New York that our committee accomplished the purpose for which it went to Newton. I wish to read again the resolution sending the committee there:

That the committee be, and hereby is, authorized, empowered, and directed to take or cause to be taken the testimony of the 458 Newton residents.

The part of the resolution to which I direct your special attention is this:

And such further testimony as the committee may consider relevant to better enable it to determine the issues raised by this case.

The issue raised by this case, as I understand it, is who was elected to Congress from the First District of New Hampshire in the 1936 general election.

I was the acting chairman of the committee that held these hearings at Newton, and I want to call your attention to the things that transpired immediately before we went there to hold the hearings. At a meeting of the committee held in this building on the 26th day of August 1937 the following proceedings were had:

The Committee on Elections No. 3 met in the Capitol Building today at 12 m. with the following members present: Mr. CRAVENS, Mr. BEITER, Mr. WADSWORTH, Mr. WOLVERTON, Mr. THOMAS of Texas, Mr. NICHOLS, Mr. MOSIER of Ohio.

The committee was advised that the chairman, Mr. KERR, was ill and would be unable to go on the investigation in the case of Roy v. Jenks. Mr. CRAVENS read a telegram from the chairman in which he advised the committee of his inability to participate in the investigation and stating that the investigation would proceed with Mr. CRAVENS as acting chairman.

I wish to call your particular attention to the following as the only authority given to the two gentlemen who were sent to New Hampshire preceding the meeting of the committee there. We knew that arrangements had to be made for a place for the committee to stay, a building in which to hold the hearings, and a stenographer to take the testimony. Therefore these proceedings were had:

The committee authorized Mr. BEITER and Mr. WADSWORTH to leave Washington on Monday, August 23, for Newton, N. H., and to make necessary preliminary arrangements—

What were they?—

such as securing the services of a stenographer, hotel accommodations, quarters for conducting the investigation.

That was the authority given the gentlemen from New York [Mr. WADSWORTH and Mr. BEITER].

When the committee assembled at Newton I was astounded to learn that these two gentlemen had assumed the authority of directing and determining the policy of our investigation. I am going to read you a card the committee upon arrival at Newton, N. H., found had been out:

NOTICE TO APPEAR

The Committee on Elections appointed by the House of Representatives to inquire as to the number and identity of the persons who voted in the town of Newton at the general election held November 3, 1936, will be present at the town hall at Newton on Thursday, August 26, 1937, between the hours of 1 p. m. and 5 p. m.; Friday, August 27, 1937, from 9:30 a. m. to 12 o'clock noon, 1 p. m. to 5 p. m., and from 6:30 p. m. to 9 p. m.; Saturday morning at 9:30 a. m. and throughout the day until 5 p. m.

I wish to call your special attention to the following:

You as one of the qualified voters at said general election are hereby notified to appear in person to answer the question, "Did you vote at said election?" No questions as to how you voted will be asked.

If you need conveyance it will be arranged for you upon your giving notice to the town officials.

By order of committee:

BEN CRAVENS, M. C.,
Chairman of Committee.

The first intimation I had of this card having been sent out was after the committee arrived at Newton.

Mr. WADSWORTH. Mr. Speaker, will the gentleman yield?

Mr. CRAVENS. I yield to the gentleman from New York.

Mr. WADSWORTH. To make the story complete, and I am sure the gentleman wants to do so, the gentleman should remind the House that the gentleman from New York [Mr. BEITER] and I were joined by the gentleman from Ohio [Mr. MOSIER] and the gentleman from New Jersey [Mr. WOLVERTON], and that four members of the committee are responsible jointly for that notice.

Mr. CRAVENS. I do not understand they had anything to do with the cards being sent out.

Mr. TAYLOR of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. CRAVENS. I yield to the gentleman from Tennessee.

Mr. TAYLOR of Tennessee. When the gentleman learned that such a card had been sent out, did he make any complaint?

Mr. CRAVENS. Absolutely.

Mr. TAYLOR of Tennessee. To whom?

Mr. CRAVENS. To the entire committee. I will go into detail and state what I did. I said to the gentleman from New York, "Mr. BEITER, by what authority did you send out this card?" He said, "I was advised by Mr. WADSWORTH it was the proper thing to do." I said, "Did you agree that the only question that should be asked was 'Did you vote at said election?'" He said, "I did; after Mr. WADSWORTH told me that was the only question we could legally ask. I asked him, 'Can we not ask them this question without stating who they voted for, 'Did you vote for a candidate for Congress?'" and Mr. WADSWORTH said that would be illegal."

Mr. WADSWORTH. Mr. Speaker, will the gentleman yield? The gentleman has referred to me.

Mr. CRAVENS. In the greatest of kindness.

Mr. BEITER. Mr. Speaker, will the gentleman yield?

Mr. CRAVENS. I yield to the gentleman from New York.

Mr. BEITER. In order to correct the record, the gentleman from New York [Mr. WADSWORTH] did not say it would be illegal, but said it would be unconstitutional. [Laughter.]

Mr. CRAVENS. I accept the correction.

Now, does the gentleman from New York [Mr. WADSWORTH] want to ask me a question?

Mr. WADSWORTH. The gentleman from Arkansas knows my devotion to the Constitution, and I am glad to be corrected.

Mr. CRAVENS. But I think the gentleman is misinformed as to the Constitution, no matter how fond he is of it.

Mr. WADSWORTH. As a matter of fact, I have no recollection of this conversation.

Mr. COLE of New York. Mr. Speaker, will the gentleman yield?

Mr. CRAVENS. I yield.

Mr. COLE of New York. After this notice had come to the attention of the full committee upon their arrival at Newton, was any action taken by the full committee either to endorse and approve this notice or to countermand and withdraw it?

Mr. CRAVENS. Action was taken at the first opportunity. As I recall, when the first witness appeared Mr. NICHOLS and I attempted to ask the witness whether he voted for a candidate for Congress.

[Here the gavel fell.]

Mr. KERR. Mr. Speaker, I yield the gentleman 5 additional minutes.

Mr. GIFFORD. Mr. Speaker, will the gentleman yield?

Mr. CRAVENS. I cannot yield any further at this time.

The committee then held an executive session and the matter was argued pro and con and a vote taken as to whether or not we should ask any question other than the one printed on the card. Mr. NICHOLS and I argued for, and voted for, authority to ask the further question, Did you vote for a candidate for Congress? We were overruled by the committee and abided by the decision of the majority. This answers your question, I think.

Mr. COLE of New York. Mr. Speaker, will the gentleman yield further for a brief question?

Mr. CRAVENS. I am sorry I cannot, as my time has once expired.

I want to call attention to some things that were developed in the hearings. They have a peculiar law in New Hampshire. If a man once lives in a township or town, as they call it, and gets on the list of registered voters, he may, upon moving away, retain his voting rights in that town by serving written notice upon the town clerk—I think it is the town clerk, or some other town official. It was developed in the hearing at Newton that five persons who had moved away from Newton, without having given this notice, some of whom had lived in other States for years, were permitted to come back to Newton and vote in this election in 1936. It further developed that on the tally sheet three were listed who came before the committee and positively swore they never voted at that election in Newton. Now, there are eight discrepancies unanswerable and not explained. Five voted who were illegal voters and three were listed as voting who testified they never voted.

Mr. CHURCH. Mr. Speaker, will the gentleman yield?

Mr. CRAVENS. I yield.

Mr. CHURCH. Has the gentleman any authority whatever that states that those five persons, although they had gone away, perhaps temporarily, had no right to vote? Is the gentleman familiar with the East St. Louis case that holds that you can move out of a place temporarily and come back and vote?

Mr. CRAVENS. New Hampshire has its own laws.

Mr. CHURCH. Certainly.

Mr. CRAVENS. Every State can determine about its own voters and determine their qualifications.

Mr. CHURCH. Just like we can come here to Washington and then go back home and vote.

Mr. CRAVENS. They were permitted to vote, and some of them testified on the stand they had lived away from there for years, having moved to other States.

Now, as to these mythical votes, the attorneys for Mr. Jenks both made the statement that they did not believe these 34 votes, if they ever existed, ever reached Concord, N. H., that if they were lost, strayed, or stolen, it occurred at Newton, yet the nine officials holding the election at Newton testified positively and unequivocally that every ballot

cast, every ballot counted, was replaced in the container, signed and sealed, and sent to Concord. [Applause.]

[Here the gavel fell.]

Mr. GIFFORD. Mr. Speaker, I yield 3 minutes to the gentlewoman from Indiana [Mrs. JENCKES].

Mrs. JENCKES of Indiana. Mr. Speaker, last year in August I took the floor and added my plea to that of some of our other Members that this House of Representatives send to this little town of Newton the committee which went there. We were expecting to base our report this session on the findings of that committee.

I rise now to express my gratification over the fact that our plea to the membership of this House of Representatives last August was not in vain, and to say now that, in my opinion, the findings of the congressional investigating committee we sent to Newton, N. H., have completely vindicated the vote of the majority of the House.

The House of Representatives is the sole judge of the qualifications of its membership, and when a case like the one under discussion comes before us, it must be decided solely on the facts rather than on the basis of partisanship or mere weight of numbers if the integrity of the House of Representatives is to be maintained.

I have carefully studied the majority and minority reports on this case, and I feel confident that every Member who has done likewise is convinced that equity is on the side of the contestee, Mr. Jenks, of New Hampshire, and that on the basis of the findings of the investigating committee he should be permitted to retain his seat. [Applause.]

As a loyal member of the Democratic majority, I hope our overwhelming numbers will uphold the honor and dignity of this House of Representatives by voting to preserve justice and the protection of the minority.

Fair play goes further than partisanship; and so that the ends of justice may be served, I again appeal to the House to decide this case on its factual merits. [Applause.]

Mr. GIFFORD. Mr. Speaker, I yield 30 minutes to the gentleman from New Jersey [Mr. WOLVERTON], and I understand that at the conclusion of that time I shall have 3 minutes remaining.

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 30 minutes. The gentleman from Massachusetts will then have 3 minutes remaining.

Mr. WOLVERTON. Mr. Speaker and Members of the House, the decision of the question now before us involves the honor and dignity of the House.

In deciding matters of legislation the viewpoint of the individual Members may differ on questions of policy. Frequently this difference of opinion is based upon differing party policies. Consequently, in such cases the vote of the House is divided, more or less, along strictly party lines. Partisanship under such circumstances is natural. It is neither improper nor unexpected. It is the fulfillment of party pledges and we recognize it as a party obligation upon our part. To do so in no way destroys or undermines the obligations we assume under our oath as Members of the House.

The question now before the House, however, is not one of this character. It does not have within it any party issue based upon differing policies of government. While partisanship may properly control our decision on matters of legislation there can be no proper place for it, as a controlling factor, in deciding the question of the right of an individual to sit as a Member of this House.

The Constitution lays down in plain and unmistakable language the basis upon which a question of this character is to be decided. It does not contemplate a decision based upon partisanship. Article I, section 5, of the Constitution, sets forth:

Each House shall be judge of the elections, returns, and qualifications of its own Members.

The underlying thought from the use of this language would seem to be that the House is expected to be judicial in the consideration and decision it shall give in such a highly

important matter that involves, not only the individuals directly concerned, but also the three-hundred-and-odd-thousand people residing within the particular congressional district.

I therefore appeal to you to give a judicial consideration to the facts presented in this case and eliminate any thought of partisanship that under other circumstances might be entirely proper and commendable.

The history of the House of Representatives, from its earliest days until the present, gives unmistakable evidence that throughout its entire existence the attitude of a judge, rendering an impartial and in every sense a judicial decision has prevailed. To the credit of the House it can be said that in practically all cases this principle has prevailed. The exceptions have been very, very few in number. Nor can any one political party claim all the virtue in this respect. It has been characteristic of all.

I was greatly surprised, when this case was before the House in August last, to hear one of our distinguished Members in an impassioned partisan appeal to the Democratic side of the House say:

I have been a Member of this House for 14 years, and in all that time, in any election contest, I have never seen one Republican vote to seat a Democrat no matter how strong the merits have been in favor of the Democrat.

Members of the House, the facts of the case do not justify that statement. The actual facts taken from the RECORD show that during the 14 years, to which the Member made reference, the Republicans had control of the House from the Sixty-eighth to the Seventy-first Congress, inclusive, there were nine election-contest cases. In five instances the Democratic contestant was seated by the Republican House and in four of the cases it was by the unanimous vote of the House. In four instances the Republican contestant was seated and in each case it was by the unanimous vote of the House, showing that the Democratic side concurred in the action of the Republican side. During the next 6 years the House was under Democratic control. During that time there were 16 contests. In four instances Democratic Members were seated. In each case it was by the unanimous vote of the House. This included the Republicans. Thus, it can be seen that neither side of the House has permitted partisan policies to enter into the decision.

Mr. BOLAND of Pennsylvania. Will the gentleman yield?

Mr. WOLVERTON. Not now.

I have also made a study of the results of election-contest cases in the House over the last 30 years. They evidence the same spirit of fair play and impartiality as those to which I have just made reference. During the last 30 years there have been 74 election-contest cases. In these cases I find that 38 Republicans were seated. Twenty-seven of these were seated when the House was under Democratic control, and 11 under Republican control. Twenty-nine Democrats were seated during the same period, 17 when the House was under Republican control and 12 under Democratic control. The other case involved a Progressive who was seated and the remaining six cases were either withdrawn or undecided.

I have mentioned these cases not only to refute the charge of Republican partisanship that was unjustly made during the debate last August, but to also demonstrate to the Members of the House, particularly the new Members, that through all the years, regardless of whether the House has been under Democratic or Republican control, the honor and the dignity of the House has been maintained by giving judicial rather than partisan consideration to cases of this kind.

I am confident that the membership of this present House is actuated by the same desire to exalt judicial rather than partisan consideration of the case now before us, as has characterized the membership in every Congress that has preceded us. Last August you demonstrated such fact by the action that was taken. I am confident that such an attitude continues to prevail and that this case will receive at

your hands fair and impartial consideration, and that your decision will be based upon equity and good conscience.

Before I proceed to present what seems to me to be the controlling facts in this case, may I say that if I did not have the confidence to which I have just referred, and which your past conduct encourages me to have, I would not take the time of this House to present such facts, for if partisanship was to be the dominant factor your overwhelming numbers would make an appeal a waste of time. I cannot adequately express the sense of pleasure and privilege it is to know that I can present the facts of this case with the knowledge that they will have a fair and honest consideration by you and with no desire upon your part to do other than what is right and just by your decision.

The issue presented in the case is not complicated or difficult to understand. As a result of the recounts and several hearings in the State of New Hampshire, prior to the issuance of a certificate of election to Mr. Jenks, the hearings before the House Committee on Elections and finally the debate on the floor of the House when this matter was before the House in August last, have cleared away all inconsequential contentions, both of law and fact, and as a result there stands out but one clear-cut issue, namely, how many people voted at Newton on the day of the general election, November 3, 1936?

The poll lists show that 458 of the registered voters of the town of Newton appeared in person and cast their ballots. A register of those voting was kept by two separate election officials, one was a Democrat and the other a Republican. As the voters presented themselves to vote the name of the voter was announced publicly. The register of voters entitled to vote was examined and, the person's name appearing thereon, he was handed a ballot and a check mark placed opposite the name to indicate the person had qualified to vote. After marking the ballot the person returned the ballot to the moderator who acted as judge, in this case a Democrat. It was thereupon placed in the ballot box and a check mark was placed opposite the name of the voter on the other poll list, and by a person of the opposite political party than the first, this check being a record that the person had voted the ballot he received when his name was first checked. After the closing of the polls the two poll clerks who had checked the voters as they came in and went out counted the number voting as appeared upon their respective check lists. They each reported that 458 persons had received and cast ballots.

Mr. BOLAND of Pennsylvania. Will the gentleman yield now?

Mr. WOLVERTON. Mr. Speaker, I have already indicated to the gentleman that I do not care to yield.

After this fact had been publicly announced the ballot box was opened by the moderator. The ballots were taken and counted. A double count, in which all 9 members of the election board participated, was made and 458 ballots were found. This number tallied perfectly with the 458 names checked as having voted. The ballots were then called off by the moderator. He performed his duties under the watchful supervision of another election official not of his own political party. The two tally clerks recorded opposite the name of each candidate the votes cast for them as they were read off. The tally clerks were likewise of different political parties. The ballots were then examined by the other election officials and placed in a container. The result of the election was thereupon publicly announced, the reports signed by all the election officials, the box containing the 458 ballots was sealed and signed by all the election officials. The box containing the ballots was turned over to the town clerk and kept by her until sent to the secretary of state as provided by law. I ask that you shall take particular notice that the action of the election board has been unanimous in every step taken to carry on and complete the election, and that Republicans and Democrats on that board, before any contest had arisen or question raised, had signed the necessary election reports showing that 458 persons had voted, 458 ballots were placed in the box, and two check lists, also a part of the election

records, corroborated the fact that 458 persons had each cast a ballot in the election. There has never since then been any change in these records. They are today in the same form as on election day. The election officials, Democrats and Republicans, have testified under oath that the records were truthfully and faithfully kept. Each of these officials are held in high repute in the community. No one, not even the contestant in this case, has ever raised a question or suspicion as to the integrity or honesty of each. Neither they, nor the records they kept, have been impeached in the slightest degree. Their records and the testimony they have given that 458 persons cast their ballots in the general election of 1936 stands unchallenged, even until this very day. In fact, they have never been under even suspicion.

It is equally admitted by both sides in this case that if it is found that 458 persons did vote, then the tally sheets are evidence of how they voted, and this would mean that Mr. Jenks is entitled to hold his seat in this House. It was upon such a finding of fact that the Ballot Law Commission of New Hampshire awarded the certificate of election to Mr. Jenks, and upon this basis this House has permitted Mr. Jenks to be sworn in and serve as a Member of this House during the three sessions of the Seventy-fifth Congress.

It is now my purpose to state the facts upon which the contestant seeks to overcome the established facts that I have just related.

Without reference to the detailed reasons that made necessary the recounts by the secretary of state and the State ballot law commission, it can be said that in the final analysis the ballot law commission, upon a recount of the ballots for the entire congressional district, declared Mr. Roy elected by a majority of 24 votes.

It was not until after this that Mr. Jenks was apprised of an apparent discrepancy in the Newton vote. The information came in the form of a telephone message from one of the town officials at Newton—I think it was the moderator; at any rate, the person was not personally known to Mr. Jenks. This official—and I think I am also correct in saying that he was a Democrat—told Mr. Jenks that he should look into the matter, as the total vote announced by the secretary of state and the ballot law commission for the town of Newton was only 424, whereas the records of the election officials at Newton showed 458 had cast ballots. Thus there was a loss of 34 votes; and from a comparison of the tally sheets made by the State officials upon the basis of the 424 ballots before them, and the tally sheets made by the Newton election officials upon the basis of the 458 ballots before them on the evening of election, it was easy to determine that the 34 missing ballots were straight Republican votes.

When this fact became apparent to the ballot law commission they immediately reversed the decision that had declared Mr. Roy elected by 24 votes, and, thereupon declared Mr. Jenks to be elected by 10 votes and accordingly issued to him a certificate of election. It may be interesting to note in this connection that the House Committee on Elections awarded Mr. Jenks an additional 4 votes upon the basis of disagreement with the State commission on the decision it had rendered on certain ballots in dispute.

Thus it can be readily seen that the issue in this case is whether 458 persons voted at Newton on November 3, 1936, as claimed by Mr. Jenks, or only 424 as alleged by Mr. Roy, the contestant.

The sworn testimony of 9 election officers, both Democrats and Republicans, their signed records, poll lists, tally sheets, and so forth, established the fact that 458 persons voted. The contestant, however, takes the position that as only 424 votes were found at the recount, therefore only 424 persons voted. As to the latter there is no corroboration whatsoever other than the presence at a later date of 424 ballots instead of the 458, which 9 election officials testified had actually existed and was confirmed by all the other documentary proof that is part of the election procedure.

A remembrance upon your part of the discussion and debate that preceded the rejection by the House of the committee resolution to unseat Mr. Jenks will make clear that

in the final analysis that the only question that the House considered important or controlling in the decision of the contest was whether 458 or 424 persons had voted. No questions of eligibility or otherwise were considered as having any importance whatever. The sole and only question was as to the number who had voted. If 458 persons voted, then the tally sheets of the election officers of Newton was a record of how and for whom they had voted. If only 424 persons voted, then the tally sheets that were kept by the ballot law commission were a record of how the vote was cast. The House wisely and with rare judgment discerned that the only issue, therefore, was this one of fact, whether 458 or 424 persons had voted. If the former, then Mr. Jenks was duly elected. If the latter, then Mr. Roy was elected.

The substitute resolution—offered by Mr. Wilcox, and adopted by the House—had no other purpose than to obtain the necessary evidence that would establish the number of persons who had voted. A reading of the resolution will confirm this fact. It was as follows:

Mr. Wilcox moves that this resolution be recommitted to the committee; that the committee be, and hereby is, authorized, empowered, and directed to take or cause to be taken the testimony of the 458 Newton residents shown by the town election records to have voted there in person on November 3, 1936, and such further testimony as the committee may consider relevant to better enable it to determine the issue raised by this case; and that the committee be authorized to extend such sums in its investigation as it may deem necessary and report its findings and recommendations to this House at the next session of Congress.

The clarity and distinctness of the resolution does not admit of any doubt as to the duty with which the committee was charged. There was no other question involved than whether 458 residents of Newton had voted in person on November 3, 1936, as shown by the election records.

The committee, accepting the responsibility went immediately, after the adjournment of Congress, to Newton, with the exception of the chairman [Mr. KERR] and the gentleman from Texas [Mr. THOMAS], who did not find it convenient to accompany the committee. The response that followed the committee's announcement that it would sit in the town hall on certain designated days, at fixed times of the day, was one of the most astonishing, and, at the same time encouraging, scenes that I have ever witnessed. It was a little New England town with no streets other than the road that ran through it. A few houses, a store or two, a shop, and then you were out of the town. The inhabitants lived throughout the country on farms, not all of which were easily accessible. And, yet, with nothing other than a postal card notice that the committee would sit in the town hall the day following, these humble, plain, honest, hard-working people, mostly farmers, commenced to arrive with a sense of fulfilling a public duty. Of the total number of 458, whose names appeared on the poll lists as having voted, 436 appeared in person, 8 were unable to attend because of illness or other cause and they were visited by a subcommittee who took their affidavit as to their residence and the fact they had voted at the general election, held on November 3, 1936. Nine had died since the election and the fact that they had voted was established by the testimony of two disinterested witnesses in each case in addition to the election officers. On the last day of our hearings there were only five persons who had not appeared voluntarily. These individuals it was ascertained were away elsewhere temporarily, it being the summer vacation season, and the chairman and committee decided that it would not be necessary to await their return and the committee departed from Newton with every one of the 458 persons accounted for whose names appear on the list of voters at the election of November 3, 1936, with the exception of the 5 I have mentioned, and to make the record of the committee complete, I returned to Newton at a later date as a member of the subcommittee and contacted those 5 and their affidavits are now on file with the committee, testifying to the fact that they voted. Thus, every one of the 458 checked as having voted on the poll lists were accounted for. I am proud of

the record that was made by the committee in fulfilling the duty that was assigned to us by the House in August, last. I confess, however, that I am disappointed that the majority report does not reveal this fact and merely adds a paragraph to the report that was filed last August and that merely recites in effect that nothing has occurred to change the viewpoint from the time of the last report.

I will take just a moment or two to discuss questions that have been raised but which in my opinion are extraneous to the real issue in this case. First, it is said that three witnesses appeared who testified that they had not voted although their names were checked as having done so. A brief reference to the facts in each of these cases I am certain will convince any mind that there is no substantial justification for the statement that they did not vote.

The first of these cases was that of a person who appeared before the committee in such a state of intoxication that it was necessary to dismiss him as a witness. He returned the following morning slightly improved but still visibly under the influence of liquor. He testified, in a way, and said that he had not voted on November 3, 1938. Upon further questioning he stated that the reason he knew he had not voted was because he was working for a certain manufacturer at the time and did not leave to vote. The committee seeking further evidence in the matter called as a witness before the committee the employer to whom he had referred. The employer testified that the man did not work for him at the time of the election and had not worked for him since the month of July preceding the November election. A young lady, bookkeeper in the establishment was also present, ready and willing to testify to the same facts that had been testified to by the employer, but the committee did not call her as a witness.

The second case was that of a poor forlorn and greatly distressed woman. Her testimony at no time was positive or of a kind that would convince. She stated that she did not remember voting. She was unwilling to say positively that she did not do so. She merely said something seems to tell me that I did not vote. In answer, however, to a question by a member of the committee, she said, "Well if somebody told me I voted or if my name is down I must have voted." Her name was down that she had voted and the election officers testified she did vote. Information came to some members of the committee that she was under the complete domination of her husband who had the reputation of being brutal to her.

She certainly looked scared and acted all the time as if she was under some great mental strain. She was far from being mentally vigorous and at no time positive in her testimony.

The third case was equally distressing. It was that of a young man who was visibly not of sound mind or memory. It was difficult to obtain answers from him. In fact, his actions on the stand would easily create sympathy for him. His manner would indicate that he was half-witted. I am inclined to think that every member of the committee was inclined to think that such was the case. The explanation of the situation developed from the testimony of the father who, at his own request, was called as a witness to explain the mental condition of his son. Three times during the time that the son was stumbling and mumbling his answers the father requested to be heard. Finally he was called as a witness. He explained to the committee that some years ago his son was in a serious automobile accident and had suffered injuries of his head that had caused him to have lapses of memory very frequently and likewise a muddled mental condition. He explained how he would send the boy to town to make some purchases and the boy would return home having forgotten what he went to purchase. The father concluded his testimony by saying that he knew the boy had voted, as he had accompanied him to the polls. In addition, there was in this case as in the other cases the testimony of the election officers to the same fact.

Thus, the three cases, to which some question is raised, are all of that type that no jury would have taken their testimony as determinative of the fact that was in question and, particularly, would not have done so when to give full faith and credit to their testimony would have meant impeachment of witnesses of character and standing in the community such as the election officers in this case.

The only other question that was raised related to the right of three or four witnesses who were working elsewhere and continued to consider Newton their voting residence. These individuals had returned, some of them year after year, to cast their vote. Not one had ever voted elsewhere, and some continued to hold property and pay taxes in Newton or had relatives living there at whose residence they held their own voting residence.

It should be realized, however, that in all these cases there was no disputing the fact that they had voted and that their names appeared among the 458 whom the records showed had voted. And, as to the question of their right to vote, that was a matter for the election officers to determine under the law of the State of New Hampshire. Neither their right to register or vote had ever been questioned or challenged by anyone. The duty of the committee was fulfilled when it established the fact that they had voted.

Another question that the committee considered and decided was whether the witnesses should be asked for whom they voted or whether they had voted for Members of Congress. The committee, after a full consideration of this question, decided by a vote of 5 to 2 that the committee had no right to ask either question, because it would violate the inalienable right to a secret ballot. Furthermore, it was the opinion of the committee that our duty under the resolution was to determine whether 458 had voted at the general election of 1936 in the town of Newton. If they voted then, the tally sheets at Newton were to be taken as the evidence of how and for whom they had voted.

In conclusion, may I say that the evidence in this case leaves no doubt that 458 residents of the town of Newton voted in the general election of 1936. It is settled by the sworn testimony of 436 residents who appeared in person, by the sworn testimony of 9 election officials. Democrat and Republican, and by all the documentary evidence consisting of poll lists, voting lists, tally sheets, and so forth, confirm and establish the fact that 458 persons voted in the general election of 1936.

To hold that only 424 had voted, it would be necessary to find that the ballots after they left Newton had been safely and securely kept in the sole custody of the secretary of state as required by law, and that there had been no opportunity to destroy the integrity of the ballot box as delivered to the secretary of state by the election officials of Newton. The utter futility of finding in this case that no opportunity existed to tamper with the ballots after leaving Newton is demonstrated by the sworn testimony before the committee. In reference to this matter, it was testified by the secretary of state that, in addition to the key held by him for the room in which the ballots were stored, there were also five or six more keys for the same room in the possession of janitors about the statehouse. It is also significant and worthy of serious consideration that the wrapper and seal that had been placed about the package of ballots by the election officers in Newton had not been preserved by the secretary of state, as required by the election laws of the State of New Hampshire.

There was also another situation, that appeared in the testimony before the committee, with reference to the alleged care that had been taken of the ballots during the recount before the secretary of state. Until the committee called before it at Newton a witness by the name of Roy, who had been a representative of the contestant Roy, it had been understood and claimed in behalf of the contestant that the ballots in the town of Newton had never been outside the range of vision of the secretary of state during the recount. The witness Roy, however, while on the witness stand before the committee explaining a disturbance that had required

the secretary of state to order his ejection from the room where the recount was being conducted, testified that the recount of the Newton ballots had not been completed when supper time arrived, and that after the secretary of state and his deputy and the others had left the room he and the others engaged in the recount remained alone in the room. The fact that the secretary of state had not kept the ballots within his custody or control during the recount was surprising, in view of the claims that had theretofore been made, and certainly, with the number of spectators and others present, to slip a number of straight Republican ballots from the pile where they were placed was not at all impossible. This could very easily explain the disappearance of the 34 ballots which are missing from the 458 that had been cast at Newton on the day of election.

If you are unwilling to accept either of the above situations as providing a plausible explanation of the missing ballots, then it would be necessary for you to conclude that at least some of the 436 who appeared and testified that they voted had committed perjury, that the 9 election officers who testified that they had voted had also committed perjury and, in addition thereto, had entered into a conspiracy to falsify the voting lists that recorded those who voted and likewise the tally sheets as to how they had voted.

To come to any such conclusion shocks the conscience and would leave a blot upon the honor and dignity of this House that no partisanship consideration could ever justify.

I shall conclude with the statement I made in the opening of my remarks, namely, the decision of the question now before us involves the honor and dignity of the House, and that a judicial rather than a partisan basis of decision is the only way the honor and dignity of the House can be maintained.

I appeal to you to show today the same spirit of impartial justice that has prevailed through all the history of this House on both sides of the aisle and, on the basis of the facts, permit Mr. Jenks to retain the seat that he has so faithfully and ably filled during the three sessions of Congress that intervened since he took the oath of office at the convening of this Seventy-fifth Congress in January of 1937. [Applause.]

Mr. GIFFORD. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. LUCE].

Mr. LUCE. Mr. Speaker, 70 years ago contested elections became such a scandal in Parliament that they were turned over to the courts. In 1873 Pennsylvania by constitutional change did the same thing. That ought to be done everywhere.

In this country from 1860 to 1900 the scandal became worse and worse. Republicans and Democrats alike seated their men on account of partisan influences. From 1900 to 1920 improvement grew slowly. There then became chairman of a Republican Election Committee of this House, Frederick W. Dallinger, of Massachusetts, who served as such for years and at the end was able to say there had never come from his committee other than a unanimous report. In my turn, I became chairman of an Election Committee and, while I did not serve as such so long as Mr. Dallinger, I can say the same thing, save in a single instance, where one member, if I remember right, registered dissent. Otherwise the committee was unanimous in refusing to let partisan considerations affect our decisions. There is in this House one of the leading Democrats, one of the oldest Democrats, holding one of the highest positions here, whose seat was saved by the vote of a Republican Elections Committee of which I was chairman.

To the best of my recollection, for 19 years there has not until today been brought into this body an election contest with anything like a partisan flavor. But the signs are now evident.

Mr. Speaker, at this moment there are in the Charles Street Jail, in Boston, men who were high public officials. They are no longer in office, but now reside behind bars because only a few days ago they were convicted of tampering with a jury. I have heard that men in high positions in Washington have been tampering with this jury. In my

own case, in the instance I referred to a moment ago, men high in my party came to me and asked that I unseat a man because he was a Democrat. We refused to do it.

Thank God, my conscience has been at ease every since, and I appeal to the conscience of every man listening to me that he may not cast a vote here today by reason of partisan motives.

[Here the gavel fell.]

Mr. KERR. Mr. Speaker, I yield 20 minutes to the gentleman from Oklahoma [Mr. NICHOLS].

Mr. NICHOLS. Mr. Speaker, much has been said this afternoon, of course, about two gentlemen, one Mr. Jenks and the other Mr. Roy. You have had opportunity to see, become acquainted with, and know Mr. Jenks, but I expect you have never had an opportunity even to see Mr. Roy. He is a mythical person. A description has been given of him in this House by some Members of the House which is not exactly complimentary. Mr. Roy, wearing a blue suit, now sits in the first row in that gallery. Stand up, Mr. Roy.

Mr. SNELL. Mr. Speaker, I make the point of order that is against the rules of the House, and the gentleman ought to know it.

The SPEAKER pro tempore. The gentleman is out of order.

Mr. NICHOLS. Mr. Roy is not permitted to be on the floor.

The SPEAKER pro tempore. The gentleman will proceed in order.

Mr. NICHOLS. I beg the Chair's pardon. I certainly do not want to transgress any rules.

Mr. Speaker, Members of the House, so you may have these facts before you at the time you will be called upon to cast your vote, I am going to toll them off to you in the sequence in which they occurred. I am going to give you dates. Of necessity I will have to cover some ground that has heretofore been covered, but if you will give me your attention, I ask the privilege of unfolding before you the most fantastic and story-book sequence of affairs you have probably ever heard in a contest similar to this.

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. NICHOLS. I am sorry, I have only 20 minutes.

Mr. COLMER. All right; I am as sorry as the gentleman was a while ago.

Mr. NICHOLS. I will say to my distinguished friend from Mississippi that certainly what I did a minute ago was done through pure ignorance. I had no idea it would not be perfectly proper for me to make reference to and show the Members of this House a man whose right to a seat in this body is being contested. I thought surely it would be all right, since he not only was not permitted to make a speech on the floor, as was the contestee, but was not permitted even to sit here, that I was not going outside the province of what was right and just when I asked that he stand so you might view him. If I have offended, I sincerely apologize.

Mr. COLMER and Mr. MICHENER rose.

Mr. NICHOLS. I yield to my distinguished friend, the gentleman from Mississippi.

Mr. COLMER. I may say to the gentleman, I had no desire to reflect upon his referring to the gentleman in the gallery. I was merely saying to my friend in a facetious manner that I was just as sorry that he would not yield to me as he was a while ago that others would not yield to him.

Mr. NICHOLS. If I have misunderstood the gentleman, I am also sorry.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. NICHOLS. I cannot yield. Not a single gentleman on the Republican side has yielded to me this afternoon. I am sorry, I cannot yield.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield for a remark in connection with the parliamentary procedure?

Mr. NICHOLS. I yield to my friend, the chairman of the Committee on Rules.

Mr. O'CONNOR of New York. Of course, under the rules of the House the distinguished contestant is entitled to the

floor at this moment. He should have been invited on the floor.

Mr. MICHENER. That is just what I wanted to say.

Mr. NICHOLS. I decline to yield further, Mr. Speaker. Follow the dates and the sequence of these events:

On September 15 two gentlemen in New Hampshire were nominated for Congress, one on the Republican and one on the Democratic ticket, Mr. Jenks and Mr. Roy. On November 3, at a general election in the First Congressional District of New Hampshire the official returns showed that Mr. Roy had received 51,370 votes and Mr. Jenks had received 51,920 votes, a plurality for Mr. Jenks of 550 votes.

On November 9, Mr. Roy appealed to the secretary of state and a recount was had. This recount, which was conducted by the secretary of state in the presence of attorneys and inspectors representing both Roy and Jenks, including the son of Mr. Jenks, a political office holder in the State of New Hampshire at that time, disclosed discrepancies in 114 out of 129 voting units in the First Congressional District. As a result of the recount Jenks lost 241 votes. Roy's net gain was 309 and his total gain 550. The recount showed that Mr. Roy had 51,679 and Mr. Jenks 51,679 votes, an exact tie.

Mr. Fuller, the secretary of state, and Mr. Jackson, the assistant secretary of state, are both Republican officeholders.

Mr. Roy appealed to the ballot law commission on December 1, and Mr. Jenks appealed to that commission on December 2. From December 2 through December 4 hearings were had before the ballot law commission, and under agreement of all the parties concerned the recount made by the secretary of state was accepted as being correct, with the exception of 108 ballots, which by one party or the other were contested and were laid aside, so that only the 108 ballots were considered at the first hearing of the ballot law commission.

The result of that recount was—Roy 51,694, Jenks 51,678, a net gain for Roy of 17 votes. The second recount, if you please, in which the Democratic nominee had gained votes at the hands of Republican recounters.

The ballot law commission consisted of two Republicans and one Democrat, one being the Republican attorney general elected to that office; the other two, one a Republican and one a Democrat, both appointed by a Republican Governor.

December 2, the ballot law commission ruled—

That of the ballots cast for Representative in Congress for the First Congressional District on the 3d day of November 1936, Mr. Roy received 51,696, Mr. Jenks received 51,678; and Mr. Roy, having the highest number of ballots cast, was duly elected. The commission therefore finds and rules that Alphonse Roy, having received the largest number of votes at the biennial election of November 3, 1936, for the First Congressional District of New Hampshire, he is hereby declared to have been duly elected to the office and entitled to a certification of election.

Under the New Hampshire law the Governor of the State of New Hampshire issues the certificate of election. The Ballot Law Commission of New Hampshire ordered the Governor of New Hampshire to issue to Alphonse Roy a certificate of election. He had no choice in the matter. It was mandatory upon him, but in the face of the mandatory direction of the law, the then Republican Governor, who now serves in another body as a distinguished Republican Senator, sat idly in his chair and for 10 days after he received the order, refused, failed, and neglected to issue a certificate of election to Alphonse Roy, despite the fact that during that 10-day interim he issued to himself a certificate of election as United States Senator from that State. What happened in the 10 days? I do not know. Was my distinguished friend from New Hampshire, Mr. Jenks, importuning the Governor not to issue a certificate to Roy? I do not know.

Mr. JENKS of New Hampshire. Mr. Speaker, will the gentleman yield?

Mr. NICHOLS. I yield.

Mr. JENKS of New Hampshire. I will be very glad to tell the gentleman where the Governor of New Hampshire was at that time.

Mr. NICHOLS. I do not care where the Governor was.

Mr. JENKS of New Hampshire. He was attending a convention of Governors in St. Louis.

Mr. NICHOLS. All right; he was attending a convention of Governors in St. Louis, but during that 10-day interim he had time to issue to himself a certificate of election, and no one will deny that.

On December 8 the Governor was there because Mr. Roy requested of the Governor on December 8 a certificate of election and the Governor refused him. No one has ever yet explained the delay, and months and months and months have passed since the issue was first raised.

On December 14 the Republican candidate for Congress petitions the Republican Governor of New Hampshire, now the Republican Senator, to come to his aid and assistance and give him a rehearing before the ballot law commission and stay the issuance of the election certificate. The petition to the Governor came in the form of a telegram. It was accepted as being in legal form, however, and the Governor granted the stay and sent Roy and Jenks back before the same ballot law commission for another recount, although twice before Roy had been sustained as being the man entitled to this seat.

On December 16 the ballot law commission again started a recount, and this time it was started because the Democratic moderator in the town of Newton had discovered that Mr. Jenks had not got 34 ballots that had been cast down there, and this was the reason the Governor granted him a rehearing—to find out about the 34 ballots. Thus when Roy's attorneys went before the ballot law commission they said the only question here is the 34 ballots in Newton, but the ballot law commission said, "Oh, no; it is not either. We are going to recount all of the ballots now."

So on December 18 the ballot law commission started, and they recounted the 103,000 ballots cast in the election—not just the 34, but the 103,000. Do you know what happened?

For another time another Republican ballot law commission found by the recount that they had to give Roy more votes, and they found 7 more in that recount for him than they had found before, and his majority is now 24 instead of 17. Three times had this boy on the Democratic ticket gone before the recounting boards, and each time had they sent him away and said, "You are entitled to a certificate of election"; and every time they increased his majority.

Finally the ballot law commission said, "It shows you have 24 votes majority after we have counted these ballots three times." "But," they say further, "at this late date we have suddenly determined that the 34 ballots that we knew about away back in November have become the most important thing in this case; so in order to save our Republican friend, on December 18 the ballot law commission said that 34 mythical, mysterious ballots that no one has ever yet admitted seeing were not only cast in the Newton election but went further than that and said that they were cast for Mr. Jenks." No one has ever seen these ballots, but upon that ruling, Mr. Speaker, at the end of four hearings, our distinguished friend from New Hampshire [Mr. JENKS] now occupies his seat in this body upon a margin of 10 votes, 34 of which have never yet been seen.

Mr. BOILEAU. Mr. Speaker, will the gentleman yield?

Mr. NICHOLS. My friend Mr. BOILEAU says there were 34 straight Republican ballots lost, strayed, or stolen. Does it not seem rather peculiar to you—it does to me—that in a recount, ballots half the size of a newspaper, if you please, 34 of them straight Republican ballots, could be picked out from among 453 ballots?

Mr. BOILEAU. Mr. Speaker, will the gentleman yield?

Mr. NICHOLS. Not now.

Mr. BOILEAU. But the gentleman has referred to me and I yielded to him.

Mr. NICHOLS. I decline to yield. It would be very simple if the ballots had been stacked straight party piles, but listen to the testimony of Mr. Jackson, the assistant secretary of state:

Mr. Jackson, what is the first thing done when the ballots are spread open and spread out?

Answer. The ballots are opened and put out in piles in a recount of this kind. Where only two candidates are concerned, they are put in piles by candidates.

Not straight Republican ballots, not straight Democratic ballots, not mixed Republican ballots, not mixed Democratic ballots, but they are put in piles by candidates. Does it not seem rather strange to you that someone could ferret out these 34 straight Republican ballots while the counters were standing there watching in both instances? No one has impeached the seal. I join with my distinguished friend from New Jersey [Mr. WOLVERTON], in saying that no one has yet even started to impeach one of these election officers in their care and protection of these ballots. The contrary has been proven. They were sealed, they were kept inviolate.

There were no ballots taken out of the Newton box. The situation is that the checks got on the check list, but the ballots never got in the ballot box. That is the trouble and all the trouble. Who stole the ballots from my distinguished friend from New Hampshire, Mr. Jenks—who stole them from him? Why, he was in the hands of his friends every step of the way. Everyone who had anything to do with the matter was a Republican. Did his friends deliberately steal from my distinguished colleague? I do not think so. If 34 ballots were stolen, I would be inclined rather to say that the friend probably stole from the man of the opposite political faith rather than to think that he would steal from his own kinsman.

Mr. Speaker, Mr. Jenks took the floor and in an impassioned plea said, "Give me only justice." There is no one here to speak of record for Mr. Roy. If he was entitled to the floor the privilege has not been accorded him. He has not been permitted to lift his voice in this body. So for him, who must be silent, I, too, importune you to give this man only justice and nothing else. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Oklahoma has expired.

Mr. KERR. Mr. Speaker, I yield the remainder of my time to the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Speaker, I always approach a day like this with a feeling of very great misgiving. These contested-election cases, the great many that I have gone through since I have been a Member of Congress, have always given me great pause, because I say to you in candor that I would not vote to unseat a Republican if I thought he had won the election. Being candid with you further, I say that a week ago I had very grave doubts as to the proper vote for me to cast on this question, but in those days I have examined the record. I read with great care this morning the majority report, and then I read again every word of the minority report, and in the mix-up in this election in New Hampshire, with the votes counted once, counted twice, and then, upon the verge of issuing a certificate of election to Mr. Roy, whom I do not know, whom I never saw, there is some kind of a mystery, and 34 supposed ballots appear on the scene. In order to elect Mr. Jenks, each one of these lost ballots must be counted for him, even to win the election by a majority of 10 votes. As the gentleman from North Carolina [Mr. KERR] so well and forcefully said, all of the ballots were in the hands of the friends and political associates of the gentleman from New Hampshire [Mr. Jenks]. With these 34 votes out as they are, lost and unaccounted for up to now, laying them aside, nobody, I think, contends that Mr. Roy did not win the election by a majority of 24 votes. The votes this committee could get its hands on showed that Roy won this election by a majority of 24 votes. Is it necessary that we conclude absolutely and beyond peradventure of doubt that had these 34 votes been found they would all have been for Mr. Jenks? It seems to me it would take a wild stretching of the imagination to say that all of these 34 votes, if they existed, were for Mr. Jenks. Looking at the case in this light, I care not whether there was crookedness on the part of the Republicans or the Democrats in New Hampshire, although I always want to presume that elections are as they should be—clean—and that every man has counted for him and

received every vote that is cast for him, but looking at this case as I must now, having had grave doubts upon it for weeks, I have come to the conclusion that Mr. Roy should be seated as a Member of Congress, and that I should vote to seat him. [Applause.]

The SPEAKER. All time has expired. For the information of the House, the Clerk will again report the resolution. The Clerk read as follows:

House Resolution 482

Resolved, That Arthur B. Jenks is not entitled to a seat in the House of Representatives in the Seventy-fifth Congress from the First Congressional District of the State of New Hampshire; and be it further

Resolved, That Alphonse Roy is entitled to a seat in the House of Representatives in the Seventy-fifth Congress from the First Congressional District of the State of New Hampshire.

The SPEAKER. Under the unanimous-consent agreement, the previous question is ordered. The question is on agreeing to the resolution.

Mr. SNELL. Mr. Speaker, I demand a division of the two propositions in the resolution, and I ask for the yeas and nays.

The SPEAKER. The gentleman from New York asks for a division of the two propositions involved in the resolution. The gentleman, under the precedents, is entitled to ask for a division of the question.

The question is, Shall the yeas and nays be ordered?

The yeas and nays were ordered.

Mr. DIES. Mr. Speaker, I ask that the resolution be again read.

The SPEAKER. Without objection, the first resolve upon which the vote is to be taken will be again read by the Clerk. Mr. TOBEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The Chair will state to the gentleman from New Hampshire that the previous question has been ordered. The yeas and nays have been ordered on the resolution. The Chair cannot recognize the gentleman under these circumstances for a parliamentary inquiry.

Mr. BOILEAU. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. BOILEAU. Just a moment ago the Speaker, as the result of a request, ordered that the Clerk again report that part of the resolution to be voted on. It has not been reported.

The SPEAKER. Does the gentleman desire to have the first part of the resolution again reported?

Mr. DIES. That was the request.

Mr. BOILEAU. That was the Speaker's order. It has not been carried out.

The SPEAKER. The Clerk will again read the first resolve of the resolution.

(The Clerk again read the first resolve of the resolution.)

The question was taken; and there were—yeas 214, nays 122, answered "present" 7, not voting 85, as follows:

[Roll No. 101]

YEAS—214

Aleshire	Burch	DeRouen	Forand
Allen, Del.	Caldwell	Dies	Ford, Calif.
Allen, La.	Cannon, Mo.	Dingell	Ford, Miss.
Allen, Pa.	Cannon, Wis.	Disney	Frey, Pa.
Anderson, Mo.	Casey, Mass.	Dorsey	Fries, Ill.
Arnold	Celler	Doxey	Fulmer
Barden	Chapman	Drew, Pa.	Gambrell, Md.
Barry	Citron	Drewry, Va.	Garrett
Bates, Ky.	Claypool	Driver	Gildea
Beam	Coffee, Wash.	Duncan	Gingery
Beiter	Collins	Eberharter	Goldsborough
Biermann	Connerly	Eckert	Gray, Ind.
Bland	Cooley	Edmiston	Greenwood
Bloom	Cooper	Elcher	Gregory
Boland, Pa.	Cox	Elliott	Haines
Boren	Cravens	Evans	Hancock, N. C.
Boyer	Creal	Faddis	Harrington
Boykin	Crosby	Farley	Hart
Boylan, N. Y.	Crowe	Ferguson	Havener
Bradley	Cullen	Fernandez	Healey
Brooks	Cummings	Fitzgerald	Hendricks
Brown	Daly	Flaherty	Hennings
Buck	Deen	Flannagan	Hildebrandt
Buckley, N. Y.	Delaney	Flannery	Hobbs
Bulwinkle	DeMuth	Fieger	Honeyman

Houston	McGehee	Patrick	Smith, Wash.
Hunter	McGranery	Patterson	Smith, W. Va.
Izac	McReynolds	Patton	Snyder, Pa.
Jarman	Magnuson	Peterson, Ga.	Somers, N. Y.
Johnson, Luther A.	Mahon, S. C.	Pfeifer	South
Johnson, Lyndon	Mahon, Tex.	Phillips	Spence
Johnson, Okla.	Martin, Colo.	Rabaut	Sutphin
Kee	Maverick	Ramsay	Swope
Kelly, Ill.	Mead	Ramspeck	Tarver
Kelly, N. Y.	Meeks	Rankin	Terry
Kennedy, Md.	Mills	Rayburn	Thom
Kennedy, N. Y.	Mitchell, Ill.	Rigney	Thomas, Tex.
Keogh	Moser, Pa.	Robertson	Thomason, Tex.
Kerr	Mouton	Rogers, Okla.	Thompson, Ill.
Kirwan	Murdock, Ariz.	Romjue	Transue
Kitchens	Nelson	Ryan	Umstead
Kocialkowski	Nichols	Sabath	Vincent, Ky.
Kopplemann	O'Brien, Ill.	Sacks	Wallgren
Kramer	O'Brien, Mich.	Sanders	Walter
Lambeth	O'Connell, R. I.	Satterfield	Warren
Lanham	O'Connor, N. Y.	Schaefer, Ill.	Wene
Larrabee	O'Leary	Schuetz	West
Lesinski	O'Malley	Schulte	Whittington
Lewis, Colo.	O'Neal, Ky.	Shanley	Wilcox
Long	O'Neill, N. J.	Shannon	Williams
Lucas	O'Toole	Sheppard	Woodrum
Luecke, Mich.	Palmisano	Sirovich	Zimmerman
McCormack	Parsons	Smith, Conn.	
McFarlane	Patman	Smith, Va.	

NAYS—122

Allen, Ill.	Dondero	Kvale	Rutherford
Amile	Dowell	Lambertson	Sauthoff
Andresen, Minn.	Eaton	Leavy	Schneider, Wis.
Andrews	Engel	Lord	Secrest
Arends	Englebright	Luce	Seger
Bacon	Fletcher	Ludlow	Shafer, Mich.
Barton	Gamble, N. Y.	McKeough	Short
Bates, Mass.	Gavagan	McLaughlin	Simpson
Bell	Gearhart	McLean	Smith, Maine
Bernard	Gehrmann	Maas	Snell
Bigelow	Gifford	Mapes	Sparkman
Boileau	Gilchrist	Martin, Mass.	Stefan
Brewster	Greever	Mason	Taber
Buckler, Minn.	Guyer	Massingale	Taylor, S. C.
Burdick	Gwynne	May	Taylor, Tenn.
Carlson	Halleck	Michener	Teigan
Carter	Hancock, N. Y.	Mott	Thomas, N. J.
Case, S. Dak.	Hartley	Oliver	Tinkham
Chandler	Hill	Pierce	Tobey
Church	Hoffman	Plumley	Treadway
Clason	Holmes	Poage	Turner
Cluett	Hope	Polk	Wadsworth
Cole, N. Y.	Hull	Powers	Welch
Colmer	Jacobsen	Reece, Tenn.	White, Ohio
Costello	Jarrett	Reed, Ill.	Withrow
Crawford	Jenckes, Ind.	Rees, Kans.	Wolcott
Crowther	Jenkins, Ohio.	Reilly	Wolfenden
Culkin	Johnson, Minn.	Rich	Wolverton
Dempsey	Kinzer	Robison, Ky.	Woodruff
Dirksen	Kleberg	Rockefeller	
Ditter	Kniffin	Rogers, Mass.	

ANSWERED "PRESENT"—7

Dunn	Jenks, N. H.	Pace	Scott
Griffith	Johnson, W. Va.	Randolph	

NOT VOTING—85

Ashbrook	Gasque	McMillan	Smith, Okla.
Atkinson	Gray, Pa.	McSweeney	Stack
Binderup	Green	Maloney	Starnes
Boehne	Griswold	Mansfield	Stegall
Byrne	Hamilton	Merritt	Sullivan
Cartwright	Harlan	Mitchell, Tenn.	Sumners, Tex.
Champion	Harter	Mosier, Ohio	Sweeney
Clark, Idaho	Hook	Murdock, Utah	Taylor, Colo.
Clark, N. C.	Imhoff	Norton	Thurston
Cochran	Jones	O'Connell, Mont.	Tolan
Coffee, Nebr.	Keller	O'Connor, Mont.	Towey
Cole, Md.	Knutson	O'Day	Vinson, Ga.
Crosser	Lamneck	Owen	Voorhis
Curlley	Lanzetta	Pearson	Wearin
Dickstein	Lea	Peterson, Fla.	Weaver
Dixon	Lemke	Pettengill	Wheelchel
Dockweiler	Lewis, Md.	Quinn	White, Idaho
Doughton	Luckey, Nebr.	Reed, N. Y.	Wigglesworth
Douglas	McAndrews	Richards	Wood
Fish	McClellan	Robinson, Utah	
Fitzpatrick	McGrath	Sadowski	
Fuller	McGroarty	Scrugham	

So the first resolve of the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Imhoff (for) with Mr. Reed of New York (against).
 Mr. Gasque (for) with Mr. Douglas (against).
 Mr. Green (for) with Mr. Lemke (against).
 Mr. Steagall (for) with Mr. Fish (against).
 Mr. Curley (for) with Mr. Robinson of Utah (against).
 Mr. McMillan (for) with Mr. Thurston (against).
 Mr. Johnson of West Virginia (for) with Mr. Wigglesworth (against).
 Mr. O'Connor of Montana (for) with Mr. Atkinson (against).
 Mr. Byrne (for) with Mr. Knutson (against).

Until further notice:

Mr. Cochran with Mr. McGrath.
 Mr. Doughton with Mr. Scrugham.
 Mr. Fuller with Mr. Mosier of Ohio.
 Mr. McClellan with Mr. Clark of Idaho.
 Mr. Mansfield with Mr. Weaver.
 Mr. Summers of Texas with Mr. Harlan.
 Mr. Peterson of Florida with Mr. Ashbrook.
 Mr. Harter with Mrs. O'Day.
 Mr. Boehne with Mr. Hook.
 Mr. Owen with Mr. Lamneck.
 Mr. Coffee of Nebraska with Mr. Dixon.
 Mr. Sullivan with Mr. Voorhis.
 Mr. Vinson of Georgia with Mr. Luckey of Nebraska.
 Mr. Crosser with Mr. Pearson.
 Mr. Binderup with Mr. Taylor of Colorado.
 Mr. Maloney with Mr. Wheelchel.
 Mr. Jones with Mr. McAndrews.
 Mr. Dickstein with Mr. Hamilton.
 Mr. Starnes with Mrs. Norton.
 Mr. Quinn with Mr. Cartwright.
 Mr. Keller with Mr. Clark of North Carolina.
 Mr. Pettengill with Mr. Richards.
 Mr. Champion with Mr. Sadowski.
 Mr. Lanzetta with Mr. Dockweiler.
 Mr. McSweeney with Mr. Gray of Pennsylvania.
 Mr. White of Idaho with Mr. Mitchell of Tennessee.
 Mr. Wood with Mr. Griswold.
 Mr. Fitzpatrick with Mr. Tolan.
 Mr. McGroarty with Mr. Cole of Maryland.
 Mr. Sweeney with Mr. Lea.
 Mr. Murdock of Utah with Mr. O'Connell of Montana.
 Mr. Towey with Mr. Lewis of Maryland.
 Mr. Wearin with Mr. Stack.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the second resolve of the resolution.

The Clerk read as follows:

Resolved, That Alphonse Roy is entitled to a seat in the House of Representatives in the Seventy-fifth Congress from the First Congressional District of the State of New Hampshire.

Mr. SNELL. Mr. Speaker, on the second part of the resolution I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 227, nays 109, answered "present" 5, not voting 87, as follows:

[Roll No. 102]

YEAS—227

Aleshire	DeMuth	Hennings	Merritt
Allen, Del.	DeRouen	Hobbs	Mills
Allen, La.	Dies	Honeyman	Mitchell, Ill.
Allen, Pa.	Dingell	Houston	Moser, Pa.
Anderson, Mo.	Disney	Hunter	Mouton
Arnold	Dorsey	Izac	Murdock, Ariz.
Barden	Doxey	Jarman	Nelson
Barry	Drewry, Va.	Jenckes, Ind.	Nichols
Bates, Ky.	Driver	Johnson, Luthera	O'Brien, Ill.
Beam	Duncan	Johnson, Lyndon	O'Brien Mich.
Better	Eberharter	Johnson, Okla.	O'Connell, R. I.
Biermann	Eckert	Jones	O'Connor, N. Y.
Bland	Edmiston	Kee	O'Leary
Bloom	Elliott	Kelly, Ill.	O'Malley
Boland, Pa.	Evans	Kelly, N. Y.	O'Neal, Ky.
Boren	Faddis	Kennedy, Md.	O'Neill, N. J.
Boyer	Farley	Kennedy, N. Y.	O'Toole
Boykin	Fernandez	Keogh	Palmisano
Boylan, N. Y.	Fitzgerald	Kerr	Parsons
Bradley	Flaherty	Kirwan	Patman
Brooks	Flannagan	Kitchens	Patrick
Brown	Flannery	Kniffin	Patterson
Buck	Fieger	Kocalkowski	Patton
Buckley, N. Y.	Fletcher	Kopplemann	Pearson
Bulwinkle	Forand	Kramer	Peterson, Fla.
Burch	Ford, Calif.	Lambeth	Pfeifer
Caldwell	Ford, Miss.	Lanham	Phillips
Cannon, Mo.	Frey, Pa.	Lanzetta	Polk
Cannon, Wis.	Fries, Ill.	Larrabee	Rabaut
Cartwright	Fuller	Lesinski	Ramsay
Casey, Mass.	Fulmer	Lewis, Colo.	Ramspeck
Celler	Gambrell, Md.	Long	Randolph
Chapman	Garrett	Luecke, Mich.	Rankin
Citron	Gildea	McCormack	Rayburn
Claypool	Gingery	McFarlane	Richards
Coffee, Wash.	Goldsborough	McGehee	Rigney
Collins	Gray, Ind.	McGranery	Robertson
Connery	Greenwood	McReynolds	Rogers, Okla.
Cooley	Gregory	Magnuson	Romjue
Cooper	Griffith	Mahon, S. C.	Ryan
Costello	Haines	Mahon, Tex.	Sabath
Cravens	Hancock, N. C.	Maloney	Sacks
Creal	Harlan	Martin, Colo.	Sanders
Crosby	Harrington	Massingale	Satterfield
Crowe	Hart	Maverick	Schaefer, Ill.
Cullen	Havenner	Mead	Schuetz
Daly	Healey	Meeks	Schulte
Delaney	Hendricks		

Secret
 Shanley
 Shannon
 Sheppard
 Sirovich
 Smith, Conn.
 Smith, Va.
 Smith, Wash.
 Smith, W. Va.

Snyder, Pa.
 Somers, N. Y.
 South
 Spence
 Sutphin
 Swope
 Tarver
 Taylor, S. C.
 Terry

Thom
 Thomas, Tex.
 Thomason, Tex.
 Thompson, Ill.
 Towey
 Transue
 Umstead
 Vincent, Ky.
 Wallgren

Walter
 Warren
 Wene
 Whittington
 Wilcox
 Williams
 Woodrum
 Zimmerman

NAYS—109

Allen, Ill.	Engel	Leavy	Schneider, Wis.
Amlie	Englebright	Lord	Seger
Andresen, Minn.	Fish	Luce	Shafer, Mich.
Arends	Gamble, N. Y.	Ludlow	Short
Bacon	Gavagan	McKeough	Simpson
Barton	Gearhart	McLaughlin	Smith, Maine
Bates, Mass.	Gehrmann	McLean	Snell
Bell	Gifford	Maas	Sparkman
Bollean	Gilchrist	Mapes	Stefan
Brewster	Greever	Martin, Mass.	Taber
Buckler, Minn.	Guyer	Mason	Taylor, Tenn.
Burdick	Gwynne	Michener	Teigan
Carlson	Halleck	Mott	Thomas, N. J.
Carter	Hancock, N. Y.	Oliver	Tinkham
Case, S. Dak.	Hill	Pierce	Tobey
Chandler	Hoffman	Plumley	Treadway
Church	Holmes	Poage	Turner
Clason	Hope	Powers	Wadsworth
Cluett	Hull	Reece, Tenn.	Welch
Cole, N. Y.	Jarrett	Reed, Ill.	White, Ohio
Cox	Jenkins, Ohio	Rees, Kans.	Withrow
Crawford	Johnson, Minn.	Relly	Wolcott
Crowther	Kinzer	Rich	Wolfenden
Culkin	Kleberg	Robison, Ky.	Wolverton
Dirksen	Knutson	Rockefeller	Woodruff
Dondoro	Kvale	Rogers, Mass.	
Dowell	Lambertson	Rutherford	
Eaton	Lamneck	Sauthoff	

ANSWERED "PRESENT"—5

Bigelow	Johnson, W. Va.	Pace	Scott
Dunn			

NOT VOTING—87

Andrews	Dockweiler	Lewis, Md.	Sadowski
Ashbrook	Doughton	Lucas	Scrugham
Atkinson	Douglas	Luckey, Nebr.	Smith, Okla.
Bernard	Drew, Pa.	McAndrews	Stack
Binderup	Eicher	McClellan	Starnes
Boehne	Ferguson	McGrath	Steagall
Byrne	Fitzpatrick	McGroarty	Sullivan
Champion	Gasque	McMillan	Summers, Tex.
Clark, Idaho	Gray, Pa.	Mansfield	Sweeney
Clark, N. C.	Green	May	Taylor, Colo.
Cochran	Griswold	Mitchell, Tenn.	Thurston
Coffee, Nebr.	Hamilton	Mosier, Ohio	Tolan
Cole, Md.	Harter	Murdock, Utah	Vinson, Ga.
Colmer	Hartley	Norton	Voorhis
Crosser	Hildebrandt	O'Connell, Mont.	Wearin
Cummings	Hook	O'Connor, Mont.	Weaver
Curley	Imhoff	O'Day	West
Deen	Jacobsen	Owen	Wheelchel
Dempsey	Jenks, N. H.	Pettengill	White, Idaho
Dickstein	Keller	Quinn	Wigglesworth
Ditter	Lea	Reed, N. Y.	Wood
Dixon	Lemke	Robinson, Utah	

So the second resolve of the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Imhoff (for) with Mr. Reed of New York (against).
 Mr. Gasque (for) with Mr. Douglas (against).
 Mr. Green (for) with Mr. Lemke (against).
 Mr. Curley (for) with Mr. Robinson of Utah (against).
 Mr. McMillan (for) with Mr. Thurston (against).
 Mr. Johnson of West Virginia (for) with Mr. Wigglesworth (against).
 Mr. O'Connor of Montana (for) with Mr. Atkinson (against).
 Mr. Steagall (for) with Mr. Andrews (against).
 Mr. Byrne (for) with Mr. Ditter (against).

General pairs:

Mr. Cochran with Mr. McGrath.
 Mr. Doughton with Mr. Scrugham.
 Mr. McClellan with Mr. Clark of Idaho.
 Mr. Mansfield with Mr. Weaver.
 Mr. Summers of Texas with Mr. Bernard.
 Mr. Harter with Mrs. O'Day.
 Mr. Boehne with Mr. Hook.
 Mr. Coffee of Nebraska with Mr. Dixon.
 Mr. Ashbrook with Mr. Owen.
 Mr. Sullivan with Mr. Voorhis.
 Mr. Vinson of Georgia with Mr. Luckey of Nebraska.
 Mr. Binderup with Mr. Taylor of Colorado.
 Mr. Crosser with Mr. Wheelchel.
 Mr. Dickstein with Mr. Hamilton.
 Mr. McAndrews with Mr. Colmer.
 Mr. Starnes with Mrs. Norton.
 Mr. Quinn with Mr. Deen.
 Mr. Keller with Mr. Clark of North Carolina.
 Mr. Pettengill with Mr. Drew of Pennsylvania.
 Mr. Champion with Mr. Sadowski.
 Mr. Dockweiler with Mr. Cummings.

Mr. Gray of Pennsylvania with Mr. Eicher.
 Mr. White of Idaho with Mr. Mitchell of Tennessee.
 Mr. Wood with Mr. Griswold.
 Mr. Fitzpatrick with Mr. Tolan.
 Mr. McGroarty with Mr. Cole of Maryland.
 Mr. Sweeney with Mr. Lea.
 Mr. Murdock of Utah with Mr. O'Connell of Montana.
 Mr. Lewis of Maryland with Mr. Dempsey.
 Mr. Wearin with Mr. Stack.
 Mr. Smith of Oklahoma with Mr. Jacobsen.
 Mr. Lucas with Mr. Hartley.
 Mr. Ferguson with Mr. May.
 Mr. West with Mr. Hildebrandt.

The result of the vote was announced as above recorded.
 A motion to reconsider was laid on the table.

PERSONAL ANNOUNCEMENTS

Mr. FISH. Mr. Speaker, the bells did not ring on the first roll call. In view of that fact, I ask unanimous consent that the gentleman from Minnesota, Mr. KNUTSON, and I may be permitted to vote "nay" on the first roll call.

The SPEAKER. The Chair cannot entertain a unanimous-consent request for that purpose.

Mr. FISH. I want the RECORD to show we would have voted "nay."

The SPEAKER. The Chair will, of course, recognize the gentleman to state how he would have voted had he been present.

Mr. FISH. Mr. Speaker, the gentleman from Minnesota, Mr. KNUTSON, and I would have voted "nay" on the first roll call. We were absent because the bells did not ring on our floor.

Mr. LAMNECK. Mr. Speaker, I experienced the same difficulty at my office and did not hear the bell at all. As I understand, the bell did not ring. Had I been present, I would have voted "nay" on the first roll call.

Mr. MERRITT. Mr. Speaker, the bell for the first roll call did not ring at my office. Had I been present, I would have voted "yea" on that roll call.

Mr. JOHNSON of West Virginia. Mr. Speaker, the gentleman from Massachusetts, Mr. WIGGLESWORTH, is absent today and could not be here while the resolution we have just passed was being considered. Had the gentleman from Massachusetts been present, he would have voted "nay" on both roll calls. If I had been permitted to vote, I should have voted "yea."

SWEARING IN OF A MEMBER

Mr. Roy appeared at the bar of the House and took the oath of office.

ASA C. KETCHAM

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 738) for the relief of Asa C. Ketcham, with a Senate amendment thereto, and concur in the Senate amendment.

Mr. SNELL. Mr. Speaker, I object.

Mr. KENNEDY of Maryland. Will the gentleman withhold his objection?

Mr. SNELL. You have done enough to us this afternoon, and you are not going to do any more tonight.

MESSAGE FROM THE PRESIDENT—INTERNATIONAL LABOR ORGANIZATION

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs:

The Congress of the United States of America:

The Congress, by a joint resolution approved June 19, 1934, authorized me to accept membership for the Government of the United States in the International Labor Organization. Pursuant to that authorization I accepted such membership on behalf of the Government of the United States.

Representatives of this Government and of American employers and American labor attended the twenty-third session of the International Labor Conference held at Geneva, June 3 to 23, 1937.

That Conference adopted four draft conventions and seven recommendations, to wit:

The recommendation (No. 50) concerning international cooperation in respect of public works.

The recommendation (No. 51) concerning the national planning of public works.

The draft convention (No. 59) fixing the minimum age for admission of children to industrial employment (revised 1927).

The draft convention (No. 60) concerning the age for admission of children to nonindustrial employment (revised 1937).

The recommendation (No. 52) concerning the minimum age for admission of children to employment in family undertakings.

The draft convention (No. 61) concerning the reduction of hours of work in the textile industry.

The draft convention (No. 62) concerning safety provisions in the building industry.

The recommendation (No. 53) concerning safety provisions in the building industry.

The recommendation (No. 54) concerning inspection in the building industry.

The recommendation (No. 55) concerning cooperation in accident prevention in the building industry.

The recommendation (No. 56) concerning vocational education for the building industry.

No action by the Congress appears necessary in connection with the recommendation (No. 50) concerning international cooperation in respect of public works. The United States Government already has indicated its readiness to cooperate in the work of an international committee, and a representative of the Government will be appointed to attend its first sitting. The various branches of the Government will be prepared to communicate annually to such a committee statistical and other information concerning public works already undertaken or planned.

The United States Government has already endorsed the principle of stabilizing public works, contained in the recommendation (No. 51) concerning the national planning of public works, and is endeavoring to put that principle into practice. The terms of the recommendation embrace many proposals which the United States is already applying.

The standards stipulated in the draft convention (No. 59) fixing the minimum age for admission of children to industrial employment (revised 1937) the draft convention (No. 60) concerning the age for admission of children to nonindustrial employment, and the recommendation (No. 52) concerning the minimum age for admission of children to industrial employment in family undertakings are considerably below those generally prevailing in the United States.

The draft convention (No. 61) concerning the reduction of hours of work in the textile industry is the subject of a separate message which I am addressing to the Senate.

The principles set forth in the draft convention (No. 62) concerning safety provisions in the building industry, the recommendation (No. 53) concerning safety provisions in the building industry, the recommendation (No. 54) concerning inspection in the building industry, the recommendation (No. 55) concerning cooperation in accident prevention in the building industry, and the recommendation (No. 56) concerning vocational education for the building industry are presented for the consideration of the Congress in connection with its consideration of legislation now before it designed to promote safety in the building industry.

In becoming a member of the International Labor Organization and subscribing to its constitution this Government accepted the following undertaking in regard to such draft conventions and recommendations:

Each of the members undertakes that it will, within the period of 1 year at most from the closing of the session of the conference, or if it is impossible owing to exceptional circumstances to do so within the period of 1 year, then at the earliest practicable moment and in no case later than 18 months from the closing of the session of the conference bring the recommendation or draft convention before the authority or authorities within whose competence the

matter lies, for the enactment of legislation or other action (art. 19 (405), par. 5, Constitution of the International Labor Organization).

In the case of a federal state, the power of which to enter into conventions on labor matters is subject to limitations, it shall be in the discretion of that government to treat a draft convention to which such limitations apply as a recommendation only, and the provisions of this article with respect to recommendations shall apply in such case (art. 19 (405), par. 9, Constitution of the International Labor Organization).

In accordance with the foregoing undertaking the above-named four draft conventions and seven recommendations are herewith submitted to the Congress with the accompanying report of the Secretary of State, and its enclosures, to which the attention of the Congress is invited.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, June 9, 1938.

[Enclosures:

1. Report of the Secretary of State.
2. Authentic texts of the four draft conventions and seven recommendations adopted by the International Labor Conference at its twenty-third session.
3. Report of the Secretary of Labor.
4. Report of the Secretary of the Treasury.
5. Report of the Federal Emergency Administrator of Public Works.]

CONDITIONS FOR THE PURCHASE OF SUPPLIES AND THE MAKING OF CONTRACTS BY THE UNITED STATES

The SPEAKER laid before the House the following request from the Senate of the United States:

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 2165) to amend the act entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes."

The SPEAKER. Without objection, the request will be granted.

There was no objection.

EXTENSION OF REMARKS

Mr. O'TOOLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a speech made by the Honorable Henry Ward Beer before the Federal Bar Association.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KENNEDY of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a speech made by me before the New York Chamber of Commerce last evening in New York.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

THE DEPRESSION—THE CAUSE AND THE REMEDY

Mr. GRAY of Indiana. Mr. Speaker, I ask unanimous consent to address the House for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

THIRD: THE CAUSE OF THE WORLD DEPRESSION

Mr. GRAY of Indiana. Mr. Speaker and fellow Members of Congress, during the Great World War crisis the bankers and financiers of all the nations had loaned to their countries large sums of money with which to finance and carry on the conflict, and they had also bought vast war claims with money which after the war they called cheap money, and which means money under higher prices and commodity values.

LENDERS DID NOT WANT TO BE PAID BACK IN THE SAME MONEY AS LOANED

But when the war was over, won or lost to the nations, these war debt holders did not want to be paid back in the same money or of the same value as loaned or paid. They wanted to be paid back in dollars or monetary units, in money

of double or three times the value of the dollars of monetary units loaned or paid. They wanted to be paid back in money of higher value than loaned.

LENDERS ORGANIZE ASSUMING ONLY CURRENCY REFORM

This international bond banker's syndicate to change and increase the value of money was carried on as promoting and going along with a world currency readjustment and reform movement, but always directing a change of money from a lower to double and treble its value, under color of restoring and stabilizing the gold standard.

THE INTERNATIONAL GOLD STANDARD

Reestablishing the so-called international gold standard under the new conditions brought on by the war required the contraction of money in all the nations, separately ordered in each country of the world by directing and controlling the fiscal policy of the different nations of the earth through control of their rulers or parliaments and securing their decrees ordering the changes.

These lending bankers were the great financiers of their countries here, in Europe, and scattered all over the world. They were shrewd, alert, resourceful businessmen, and like other modern businessmen they organized, as our own bankers and manufacturers organize, to advance their own interests and for greater profits. These World War bankers and World War debt claim holders organized to make their bonds payable in higher money.

During the war the nations involved had gone off the gold standard in issuing a greater amount of money, which increased amount had lowered money values or had made all prices and all values higher. This money of lower value was the money loaned by the financiers. And unless the money of the nations was changed the bonds would be paid back in the same money as loaned.

LENDERS ORGANIZED DURING THE WAR

These bankers had maintained an association during the continuance or progress of the great war, and they were organized to urge their claims for payment in a higher-valued money, even at the time or before the armistice, and began their negotiations with their nations, as it was, the day after peace was signed.

It has been said that the bankers of America, on their way across the Atlantic Ocean to meet the European bankers and war claim holders, met and passed in midocean the transport ships from France returning the remnant of American soldiers to their homes back in America.

MONEY LENDERS MET ABROAD

During the course of these negotiations with the nations to change the money in which their bonds were paid, these bankers and financiers met in Brussels in 1920 and then later in Genoa, Italy, and elsewhere, sometimes in the great metropolis of New York and sometimes in their palatial steamers in midocean, always on the same errand—to change the value of money.

Little is known about the secret compact of the World War bond and claim holders, except that the movement was initiated and led by the bankers of our own Federal Reserve System who had become the money masters of the world, the dictators of international finance, from their earnings and profits from the war.

WORLD CURRENCY REFORM

The international bond bankers' movement to change and increase the value of money was carried on as promoting and going along with a world currency readjustment and reform movement, but always directing a change of money from a lower to double and treble its value, under color of restoring and stabilizing the gold standard.

REESTABLISHING THE INTERNATIONAL GOLD STANDARD

Reestablishing the so-called international gold standard, under the new conditions brought by the war, required the contraction of money in all the nations, separately ordered in each country of the world by directing and controlling the fiscal policy of the different nations of the earth through

control of their rulers or parliaments and securing their decrees ordering the changes.

The withering panic resulting here from the contraction and destruction of money was followed in the trail and wake of a like contraction and destruction of money and public currency in every nation of Europe and the World until all were brought to the depths of depression.

A GENTLEMAN'S AGREEMENT

The precise form of the gentlemen's agreement under which this world financial movement was carried on may never have been reduced to writing and may never be known to the outside world, under which the deluded and unsuspecting nations were left writhing in panic and depression, and misled to believe the panic was "a mystery."

It was under this claim of world "currency reform," "sound money" and an "honest monetary unit," but to increase, double, and treble the value of war-debt bonds and claims, that the gold standard was to be restored by which means, to multiply the value of all money in which these bonds and claims were to be paid.

The progress of this world money-mad movement, assuming to restore the international gold standard, can be traced and followed abroad from the shores of our own America, step by step, leading out upon the earth, like an organized army of conquest and subjugation following from one nation to another as invaded.

And each nation was led to give up in submission and to surrender its powers over money and to yield to the claims and demands of the World War bond- and debt-claim holders for the retirement and destruction of its money under which to corner the gold of the earth and monopolize the world's supply of money.

RESULTED IN A PARADOX

These efforts and final accomplishments have resulted in a paradox of cause and effect. The bankers undertook by restoring the gold standard to take more from the people than they could pay, and the depression resulting from the change of money has brought on a world-wide crisis and revolt and led every nation, in fact, to reject the use of gold as money.

In this attempt to force back upon the people a perverted, changed international gold standard whereby to double and treble the value of the war debt bonds and claims, the war debt bond and claim holders brought on an international disorder of industry and wrecked the economic world.

A PLAN CONSIDERED INCONCEIVABLE

But some will say this is inconceivable, this is unbelievable, that all the nations of the world could be led or misled to participate in such a cruel, conspiring money movement, to call in and destroy one-half or more of the people's money, all to double the value of war debt bonds and claims and increase their value upon their taxpaying subjects.

And such a scheme to be mapped or laid out, such a deliberate criminal course of action conceived, planned, and carried out upon the most intelligent and civilized nations, may appear to shock the conscience of men as impossible, inconceivable, unbelievable, and as against all probable presumptions of reasons.

Yet there are the facts standing out to convict the leadership of the civilized nations of equal credulity and dense stupidity with savage, barbarous chiefs who are induced to sell a few of their vassal subjects for a brass or glittering toy or trinket.

BUT NOT SO DIFFICULT TO BELIEVE

But it is not so hard to accept and believe when we know more of the leaders, more of the rulers who control the nations, more of the men who direct the affairs of the State, and who negotiate with international traders and bargain their subjects and territory in chance and gambling exchange agreements.

Oxensjerna, a great Swedish chancellor, in addressing his favorite son, before leaving on a tour of the world, said:

"Go forth, my son, and view the nations and see by what fools the world is governed."

And further significant are the words from the great and immortal Shakespeare, "Some men are born great, some men achieve greatness, and some men have greatness thrust upon them."

And so it is when we know more of and about the personalities and characters of the rulers and the members of the different national parliaments as men who think only to follow a leader. Then the accomplishments of the international financiers, in carrying their designs to a successful conclusion, do not appear so impossible or improbable as otherwise might appear.

THE CANCELLATION AND DESTRUCTION OF MONEY

It was this cancellation and destruction of the money of the nations which multiplied the value of war-debt claims, and all debts and taxes upon the people until the debt obligations to be paid were increased to a greater amount in value than all the property and earnings of the people.

It was this covered movement of international financiers to double and treble the value of their war-debt bonds, by changing the value of money in all the countries with the cooperation of our Federal Reserve bankers here, which has brought about all the suffering here in our own country as well as in other nations, multiplying debts and taxes upon the people, forcing them into foreclosures and bankrupt proceedings.

It was this contraction and destruction of the world supply of money and the multiplication of debts and taxes that made it impossible for the people of the foreign nations of the world to meet and pay their war-debt claims due us and making impossible individual debts as well.

And as it was the withdrawal and destruction of the money of foreign nations which made it impossible for them to pay the war-debt claims to this and other countries, so it was the same contraction and destruction of the money in this country brought on this Nation that has made it impossible here for our farmers and home owners to pay their mortgages.

THE MOVEMENT CARRIED TO OTHER NATIONS

This movement undertaken or attempted was to restore the so-called gold standard not only among the World War nations and our own, but to be carried to other nations as well. To India, China, Indo-China, and the Orient, and to establish the same standard of money in other systems and where never existed before.

When the want, distress, and affliction is shown, the woe, the anguish and despair, the sadness, humiliation, and heartaches, from the loss of property, savings, and homes; the crushing multiplication of debts and taxes suffered by the stricken people of Europe in the attempt to force the gold standard upon them—when this vandalism of human welfare is shown, the blackest chapter of the crime of the ages will not have been written, the darkest picture of the world industrial crisis will not have been portrayed, the story of the foulest and most diabolical conspiracy carried out in criminal indifference and in wanton and disregard of human welfare and hope will not have been told.

The attempt and efforts to change the money and to force the international gold standard upon the nations and peoples who were not involved in the World War was fraught with even greater havoc and destruction of human happiness and welfare than upon the nations engaged in the conflict.

This was especially marked and true of the silver-using nations of the Orient, when the gold standard was forced upon them by melting up and destroying their silver money, their only money for long centuries of time, representing their only buying and consuming power and in which billions in savings were held.

The human mind fails to grasp the enormity of the crime, the magnitude of the disaster which human gluttony, avarice, and greed have brought upon this defenseless, this helpless race of men.

WHAT THE WITNESSES SAY

Radio time will only permit me to call but three of the thousands of witnesses to testify.

E. Kann, international authority on currencies of China and the Orient, at the time said:

The sale by the governments (Great Britain in India, referring to melting up silver in India) has been a black cloud overhanging the silver market like an angel of death.

John B. Walker, a correspondent of the New York Times, then in and writing from China, said:

The effect upon India and China will never be known in its fullest horrors. The immediate depreciation of the only stock of money, silver, stopped trade and starved whole provinces. It caused millions of deaths.

H. G. Stevens, former Secretary of the Treasury of the Dominion of Canada, addressing the Canadian Legislature, said:

In fact, millions on millions in China during the present year have died, largely on account of the inadequacy of their purchasing power (meaning the value of their money).

One billion people in the Orient in China, in India, in the Malay States, are deprived of two-thirds of their purchasing power by the actions of the nations (in melting up and destroying silver as money).

I can only point out the ghastly scenes for the eye to witness.

I can only call to the ear, to listen to the sobs of anguish, the dying.

I can only pray to the tongue to describe and tell.

I can only call to witness the wreckage of human welfare and life, the world calamity and disaster befalling the helpless race of men in the gloom and darkness of appalling death, following in the way and wake of this mad, desperate drive for wealth, riches, and money.

THE WORLD PANIC HAS BEEN CONTINUOUS

This world industrial depression has now continued in this country for 18 years, and the 1929 panic and this 1937 depression are relapses of the same economic disorder, and with the relief rolls growing in the millions and unemployment still further increasing, there should be no adjournment nor recess of Congress.

CONGRESS DID NOT ADJOURN

To adjourn or recess Congress now, with 14,000,000 unemployed and increasing, with 20,000,000 clamoring on the relief rolls, with the spirit of unrest rising in the land, with foreign organizations everywhere forming to urge relief by dictators and arbitrary rule, to adjourn or recess Congress now will be negligence and disregard of public duty and a menace to the security of our free institutions.

I repeat again in this address tonight to adjourn or recess now without a positive or certain remedy on the way will be temporizing with our forms of democracy, will be parleying with our free institutions, will be toying with chaos and disorder, will be preparing the way for designing men to prey upon the suffering, toiling masses and mislead them to change the form of their Government.

To say now that depressions are unsolvable mysteries after our solemn pledge to the people of relief after 6 years of opportunity to provide a remedy, after trial and experiment at the cost of billions, will be justly construed by the people as a maneuver to evade responsibility or as a cowardly mental retreat.

This Congress should not adjourn nor recess until a more certain and positive remedy is provided and until actual relief and permanent recovery has been started and is assured and on the way.

SWEDISH-AMERICAN THREE HUNDREDTH ANNIVERSARY CELEBRATION

Mr. MAGNUSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. MAGNUSON. Mr. Speaker, the largest celebration of any racial unit in the United States, the Swedish-American

Tercentenary, will be held on June 27, 28, 29, and 30 of this year, in Delaware, Pennsylvania, and New Jersey. In its final stages, however, it will be participated in by all Swedish-Americans in the North, South, East, and West of our Nation. It is altogether fitting and proper that we should take cognizance of this occasion.

When William Penn settled his countrymen in the regions which later came to be called Pennsylvania, the newcomers were received by Europeans whose homes had been established on the Delaware almost half a century before. Of these Swedish folk Penn wrote—

They are a plain, strong, industrious people. They kindly received me. * * * I must needs commend their respect to authority and kind behavior to the English. As they are a people proper and strong of body, so have they fine children, and almost every house full; rare to find one of them without three or four boys, and as many girls; some six, seven, and eight sons. And I must do them that right—I see few young men more sober and industrious.

Swedish-American history is a long story which actively began with the coming of the first band of immigrants from Sweden to America in 1638. They are parts of the bone and sinew of two of the original States—Delaware and Pennsylvania. There is not a single one of the 48 Commonwealths today which does not count the children of Sweden among its welcome citizens.

The Swedish period of colonization began with one of the greatest men in European history, Gustavus Adolphus, King of Sweden, who, in 1624, formed a plan of planting the Swedish flag on the American Continent alongside the English and the Dutch. Alongside the *Mayflower*, first ship to Plymouth, and the *Arbella*, of the Massachusetts fleet, must always be reckoned in the annals of American colonization, the *Kalmar Nyckel* and the *Grip*, which, in March 1638, landed a little company of colonists at the New Sweden Rock, now Wilmington.

Three hundred years have passed since Gustavus Adolphus conceived the idea of a New Sweden on the shores of America, and planted a colony whose descendants have contributed much to the life of the United States. The test of the loyalty of the Swedes to their colonial governments came in 1775. They stood manfully with their brethren of other countries. The Swedish-Americans stand out among all the races in the storm and stress of the Revolutionary period. Men and women of Swedish stock shared in the anxieties and helped to make the decisions in the great crisis of the Revolution.

For nearly 50 years after the Revolution immigration of all kinds was light and Swedish immigrants were very few. Down to the Civil War few Swedes were to be found anywhere in the Eastern States. Two hundred years after the colonization on the Delaware, a new stream began to flow from the ancient towns and villages of Sweden toward the New World in the west. When the Civil War broke out in 1861 the Swedes showed more intelligent interest in the struggle than many of their neighbors of English and other races. The Swedish-Americans gave their own services and fought for their own country. Next to no Swedes lived in the South, and the outstanding military men in the northern army were not numerous.

By this time, the Swedish-Americans had achieved their goal of the valley of the Mississippi. Into Illinois and Iowa and Minnesota had they come, first by the hundreds and then by the thousands. By 1880 over 100,000 Swedish men and women had found homes in Illinois, Iowa, and Minnesota, while other thousands had gone into Kansas, Nebraska, and other States. The latest census reveals that one and one-half million people of Swedish ancestry have entered into the social body which is the American people. The New Sweden in America which Gustavus Adolphus dreamed of 300 years ago has been realized in a manner which none in his generation could have fancied.

The Swede is an individualist and has an intensely developed sense of personal rights; hence his feeling of individual ownership is strong. He has a high respect for property rights and an innate feeling for the difference between "mine

and thine." The result is a proverbial honesty which is always mentioned as his distinctive attribute. The Swede is often serious-minded, although he seldom becomes morose. He is generally of an even temperament and in times of stress he usually keeps his balance and is generally not easily influenced by sentimental appeals to partisanship. Religion, founded on meditation and deep personal conviction, is an in-born trait, and often gives a key to his character and his career. Love of music is his most pronounced artistic trait. Vitality and ability to work are also characteristics of the Swede. Work is a necessary prerogative to his happiness. He is more industrious than the majority, but not always saving. As a race, the Swedes possess rare mechanical ability. They have a special aptitude for natural sciences, and as a race have, perhaps, furnished more than their share of prominent scientists in many fields. They are great organizers and natural leaders of men, although somewhat shy and generally modest and retiring, Col. Charles Lindbergh being a notable exponent of this Swedish characteristic. Another pronounced trait of the Swede is his adaptability to new surroundings and ready accommodation to new and strange conditions. Sweden becomes a beautiful dream, but his interests are here, his home henceforth in America, the land where his children will live and die. There are no more patriotic and loyal citizens within the confines of the 48 States than the citizens of Swedish descent.

Mr. Speaker, no comprehensive record is here attempted of that great race of Americans—Swedish-Americans, if you please. I am grateful for the privilege and the honor of bringing to the attention of this distinguished body the occasion of the observance of the tercentenary of the coming of the Swedish colonists to this great country of ours and thus keep alive the flame of the accomplishments of Swedish-Americans. [Applause.]

EXTENSION OF REMARKS

Mr. BACON. Mr. Speaker, I ask unanimous consent in connection with an extension of my remarks to quote from a brief article.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3516. An act to alter the ratio of appropriations to be apportioned to the States for public employment offices affiliated with the United States Employment Service; to the Committee on Labor.

S. 3798. An act to amend the act entitled "An act to establish a Civilian Conservation Corps, and for other purposes," approved June 28, 1937; to the Committee on Labor.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 1252. An act for the relief of Ellen Kline;

H. R. 1476. An act for the relief of Mrs. W. E. Bouchev;

H. R. 1737. An act for the relief of Marie Frantzen McDonald;

H. R. 1744. An act for the relief of Grant H. Pearson, G. W. Pearson, John C. Rumohr, and Wallace Anderson;

H. R. 2347. An act for the relief of Drs. M. H. DePass and John E. Maines, Jr., and the Alachua County Hospital;

H. R. 3313. An act for the relief of William A. Fleek;

H. R. 4033. An act for the relief of Antonio Masci;

H. R. 4232. An act for the relief of Barber-Hoppen Corporation;

H. R. 4304. An act for the relief of Hugh O'Farrell and the estate of Thomas Gaffney;

H. R. 4544. An act to divide the funds of the Chippewa Indians of Minnesota between the Red Lake Band and the

remainder of the Chippewa Indians of Minnesota, organized as the Minnesota Chippewa Tribe;

H. R. 4668. An act for the relief of James Shimkunas;

H. R. 5166. An act to relinquish the title or interest of the United States in certain lands in Houston (formerly Dale) County, Ala., in favor of Jesse G. Whitfield or other lawful owners thereof;

H. R. 5592. An act to amend an act entitled "An act extending the homestead laws and providing for right-of-way for railroads in the District of Alaska, and for other purposes," approved May 14, 1898 (30 Stat. 409, 414);

H. R. 5904. An act for the relief of L. P. McGown;

H. R. 5957. An act for the relief of LeRoy W. Henry;

H. R. 6243. An act to authorize a survey of the old Indian Trail and the highway known as Oglethorpe Trail, with a view of constructing a national roadway on this route to be known as "The Oglethorpe National Trail and Parkway";

H. R. 6404. An act for the relief of Martin Bevilacqua;

H. R. 6508. An act for the relief of Gladys Legrow;

H. R. 6646. An act for the relief of Dr. A. J. Cottrell;

H. R. 6689. An act for the relief of George Rendell, Alice Rendell, and Mabel Rendell;

H. R. 6847. An act for the relief of the Berkeley County Hospital and Dr. J. N. Walsh;

H. R. 6936. An act for the relief of Joseph McDonnell;

H. R. 6950. An act for the relief of Andrew J. McGarraghy;

H. R. 7040. An act for the relief of Forest Lykins;

H. R. 7421. An act for the relief of E. D. Frye;

H. R. 7548. An act for the relief of J. Lafe Davis and the estate of Mrs. J. Lafe Davis;

H. R. 7590. An act to quiet title and possession to certain islands in the Tennessee River in the counties of Colbert and Lauderdale, Ala.;

H. R. 7639. An act for the relief of Al D. Romine and Ann Romine;

H. R. 7734. An act conferring jurisdiction upon the United States District Court for the Southern District of Ohio to hear, determine, and render judgment upon the claim of A. L. Eldridge;

H. R. 7761. An act for the relief of Sibbold Smith;

H. R. 7817. An act for the relief of C. G. Bretting Manufacturing Co.;

H. R. 7834. An act to amend the act entitled "An act to provide compensation for disability or death resulting from injuries to employees in certain employments in the District of Columbia, and for other purposes";

H. R. 7855. An act for the relief of Frieda White;

H. R. 7880. An act to amend the Veterans' Regulation No. 10 pertaining to the "line of duty" for peacetime veterans, their widows, and dependents, and for other purposes;

H. R. 7933. An act to facilitate the control of soil erosion and/or flood damage originating upon lands within the exterior boundaries of the San Bernardino and Cleveland National Forests in Riverside County, Calif.;

H. R. 7998. An act for the relief of The First National Bank & Trust Co. of Kalamazoo, Kalamazoo, Mich.;

H. R. 8134. An act to quiet title and possession to certain lands in the Tennessee River in the counties of Colbert and Lauderdale, Ala.;

H. R. 8192. An act for the relief of Herbert Joseph Dawson;

H. R. 8193. An act for the relief of the Long Bell Lumber Co.;

H. R. 8252. An act to quiet title and possession to a certain island in the Tennessee River in the county of Lauderdale, Ala.;

H. R. 8376. An act for the relief of James D. Larry, Sr.;

H. R. 8543. An act for the relief of Earl J. Lipscomb;

H. R. 8565. An act defining the compensation of persons holding positions as deputy clerks and commissioners of United States district courts, and for other purposes;

H. R. 8665. An act to amend section 3336 of the Revised Statutes, as amended, pertaining to brewers' bonds, and for other purposes;

H. R. 8729. An act granting pensions and increases of pensions to needy war veterans;

H. R. 8773. An act to authorize the Secretary of the Interior to dispose of surplus buffalo and elk of the Wind Cave National Park herd, and for other purposes;

H. R. 8794. An act to provide for holding terms of the District Court of the United States for the Eastern District of Virginia at Newport News, Va.;

H. R. 8835. An act for the relief of Fred H. Kocor;

H. R. 8916. An act for the relief of N. W. Ludowese;

H. R. 9200. An act for the relief of Filomeno Jiminez and Felicitas Dominguez;

H. R. 9201. An act for the relief of the Federal Land Bank of Berkeley, Calif., and A. E. Colby;

H. R. 9203. An act for the relief of certain postmasters and certain contract employees who conducted postal stations;

H. R. 9214. An act for the relief of C. O. Hall;

H. R. 9227. An act to amend an act entitled "An act to authorize boxing in the District of Columbia, and for other purposes";

H. R. 9287. An act to authorize the Cairo Bridge Commission, or the successors of said commission, to acquire by purchase, and to improve, maintain, and operate a toll bridge across the Mississippi River at or near Cairo, Ill.;

H. R. 9371. An act authorizing the grant of a patent for certain lands in New Mexico to Mitt Taylor;

H. R. 9374. An act for the relief of the Robert E. Lee Hotel;

H. R. 9404. An act to provide for the establishment of a commissary or vending stand in the Washington Asylum and Jail;

H. R. 9417. An act to amend the District of Columbia Alcoholic Beverage Control Act;

H. R. 9468. An act to amend the act of May 13, 1936, providing for terms of the United States district court at Wilkes-Barre, Pa.;

H. R. 9475. An act to create a commission to procure a design for a flag for the District of Columbia, and for other purposes;

H. R. 9523. An act to add certain lands to the Ochoco National Forest, Oreg.;

H. R. 9557. An act to authorize the Secretary of Commerce to dispose of material of the Bureau of Lighthouses to the sea scout department of the Boy Scouts of America;

H. R. 9611. An act to permit sales of surplus scrap materials of the Navy to certain institutions of learning;

H. R. 9683. An act to amend the act of June 25, 1910, relating to the construction of public buildings, and for other purposes;

H. R. 9707. An act to authorize the conveyance of the old lighthouse keeper's residence in Manitowoc, Wis., to the Otto Oas Post, No. 659, Veterans of Foreign Wars of the United States, Manitowoc, Wis.;

H. R. 9848. An act to require that horses and mules belonging to the United States which have become unfit for service be destroyed or put to pasture;

H. R. 9933. An act to authorize the United States Golden Gate International Exposition Commission to produce and sell certain articles, and for other purposes;

H. R. 9975. An act to extend the times for commencing and completing the construction of a bridge over Lake Sabine at or near Port Arthur, Tex.;

H. R. 9983. An act authorizing the city of Greenville, Miss., and Washington County, Miss., singly or jointly, to construct, maintain, and operate a toll bridge across the Mississippi River from a point at or near the city of Greenville, Washington County, Miss., to a point at or near Lake Village, Chicot County, Ark.;

H. R. 10075. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Brownville, Nebr.;

H. R. 10154. An act to authorize the Secretary of War to lend War Department equipment for use at the 1938 National

Encampment of Veterans of Foreign Wars of the United States to be held in Columbus, Ohio, from August 21 to August 26, 1938;

H. R. 10155. An act to permit articles imported from foreign countries for the purpose of exhibition at the Seventh World's Poultry Congress and Exposition, Cleveland, Ohio, 1939, to be admitted without payment of tariff, and for other purposes;

H. R. 10275. An act to extend the times for commencing and completing the construction of a bridge and causeway across the water between the mainland at or near Cedar Point and Dauphin Island, Ala.;

H. R. 10297. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Rulo, Nebr.;

H. R. 10312. An act to amend section 3 of the act entitled "An act to protect the lives and health and morals of women and minor workers in the District of Columbia, and to establish a Minimum Wage Board, and to define its powers and duties, and to provide for the fixing of minimum wages for such workers, and for other purposes", approved September 19, 1918 (40 Stat. 960, 65th Cong.);

H. R. 10455. An act to authorize the Secretary of War to proceed with the construction of certain public works in connection with the War Department in the District of Columbia;

H. R. 10462. An act to amend the act entitled "An act creating the Mount Rushmore National Memorial Commission and defining its purposes and powers," approved February 25, 1929, as amended;

H. R. 10488. An act to provide for allowing to the Gem irrigation district and Ontario-Nyssa irrigation district of the Owyhee project terms and payment dates for charges deferred under the Reclamation Moratorium Acts similar to those applicable to the deferred construction charges of other projects under said acts, and for other purposes;

H. R. 10530. An act to extend for 2 additional years the 3½-percent interest rate on certain Federal land-bank loans, and to provide for a 4-percent interest rate on land bank commissioner's loans until July 1, 1940;

H. R. 10611. An act to extend the times for commencing and completing the construction of a bridge across the Coosa River at or near Gilberts Ferry, in Etowah County, Ala.;

H. R. 10643. An act to amend the act of August 9, 1935 (Public, No. 259, 74th Cong., 1st sess.);

H. R. 10652. An act to provide for the ratification of all joint resolutions of the Legislature of Puerto Rico and of the former legislative assembly;

H. R. 10673. An act to exempt the property of the Young Women's Christian Association in the District of Columbia from national and municipal taxation;

H. R. 10737. An act to authorize the Secretary of War to grant rights-of-way for highway purposes and necessary storm sewer and drainage ditches incident thereto upon and across Kelly Field, a military reservation in the State of Texas; to authorize an appropriation for construction of the road, storm sewer, drainage ditches, and necessary fence lines;

H. J. Res. 582. Joint resolution supplementing and amending the act for the incorporation of Washington College of Law, organized under and by virtue of a certificate of incorporation pursuant to class 1, chapter 18, of the Revised Statutes of the United States relating to the District of Columbia;

H. J. Res. 631. Joint resolution to provide for the erection of a monument to the memory of Gen. Peter Gabriel Muhlenberg;

H. J. Res. 655. Joint resolution amending paragraph (4) of subsection (n) of section 12B of the Federal Reserve Act, as amended;

H. J. Res. 658. Joint resolution for the designation of a street or avenue to be known as "Maine Avenue"; and

H. J. Res. 672. Joint resolution for the designation of a street to be known as "Oregon Avenue," and for other purposes.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 546. An act for the relief of Annie Mary Wilmuth;
 S. 865. An act for the relief of Alceo Govoni;
 S. 1788. An act for the relief of William J. Schwarze;
 S. 2413. An act for the relief of the Boston City Hospital, and others;
 S. 2474. An act to provide a uniform method for examinations for promotion of warrant officers;
 S. 2770. An act for the relief of Elizabeth F. Quinn and Sarah Ferguson;
 S. 3215. An act for the relief of Griffith L. Owens;
 S. 3373. An act to provide for holding terms of the district court of the United States at Hutchinson, Kans.;
 S. 3379. An act for the relief of Arthur T. Miller; and
 S. 3836. An act relating to the manner of securing written consent for the reconcentration of cotton under section 383 (b) of the Agricultural Adjustment Act of 1938.

ADJOURNMENT

Mr. RAMSPECK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 39 minutes p. m.) the House adjourned until tomorrow, Friday, June 10, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON NAVAL AFFAIRS

There will be a full open hearing before the Committee on Naval Affairs, Friday, June 10, 1938, at 10 a. m., for the consideration of private bills.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of a subcommittee of the Committee on Interstate and Foreign Commerce at 9 a. m., Friday, June 10, 1938, on H. R. 10726, relating to the Omaha-Council Bluffs Bridge over the Missouri River.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1421. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated May 17, 1938, submitting a report, together with accompanying papers and illustration, on a preliminary examination and survey of side channels or basins at Palm Beach * * * Fla., with a view to providing connections with the Intracoastal Waterway, authorized by the River and Harbor Act approved August 30, 1935 (H. Doc. No. 705); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

1422. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated May 26, 1938, submitting a report, together with accompanying papers and illustrations, on reexamination of Columbia and Snake Rivers, Oreg., Wash., and Idaho, authorized by section 6 of the River and Harbor Act approved August 30, 1935, and requested by resolutions of the Committee on Commerce, United States Senate, adopted May 21, 1938, August 21, 1935, and June 10, 1936 (H. Doc. No. 704); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

1423. A letter from the Acting Comptroller General of the United States, transmitting a report involving the Navy Department pursuant to the provisions of section 312 (c) of the Budget and Accounting Act (42 Stat. 26), requiring the Comptroller General to specially report contracts made by any department or establishment in violation of law; to the Committee on Expenditures in the Executive Departments.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,
 Mr. PALMISANO: Committee on the District of Columbia. S. 3754. An act to amend sections 729 and 743 of the Code of Laws of the District of Columbia; without amendment

(Rept. No. 2667). Referred to the Committee of the Whole House on the state of the Union.

Mr. CROSSER: Committee on Interstate and Foreign Commerce. H. R. 10127. A bill to regulate interstate commerce by establishing an unemployment insurance system for individuals employed by certain employers engaged in interstate commerce, and for other purposes; with amendment (Rept. No. 2668). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEWIS of Colorado: Committee on Rules. House Resolution 521. Resolution providing for the consideration of H. R. 8176, a bill providing for continuing retirement pay, under certain conditions, of officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability while in the service of the United States during the World War, and for other purposes; without amendment (Rept. No. 2669). Referred to the House Calendar.

Mr. GREENWOOD: Committee on Rules. House Resolution 522. Resolution providing for the consideration of S. 2838, an act to establish a public airport in the vicinity of the National Capital; without amendment (Rept. No. 2670). Referred to the House Calendar.

Mr. O'CONNOR of New York: Committee on Rules. House Resolution 523. Resolution providing for the consideration of H. R. 10605, a bill to authorize the appropriation of funds for the development of rotary-winged aircraft; without amendment (Rept. No. 2671). Referred to the House Calendar.

Mr. VINSON of Georgia: Committee on Naval Affairs. S. 1131. An act to amend the part of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes", approved June 4, 1920, relating to the conservation, care, custody, protection, and operation of the naval petroleum and oil-shale reserves; with amendment (Rept. No. 2672). Referred to the Committee of the Whole House on the state of the Union.

Mr. CRAWFORD: Committee on Indian Affairs. H. R. 10644. A bill for the relief of Indians who have paid taxes on allotted lands for which patents in fee were issued without application by or consent of the allottees and subsequently canceled, and for other purposes; without amendment (Rept. No. 2673). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROGERS of Oklahoma: Committee on Indian Affairs. H. R. 3464. A bill to carry out certain obligations to certain enrolled Indians under tribal agreement; without amendment (Rept. No. 2675). Referred to the Committee on the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. BEITER: Committee on War Claims. H. R. 10801. A bill to carry out the findings of the Court of Claims in the case of Lester P. Barlow against United States; without amendment (Rept. 2666). Referred to the Committee of the Whole House.

Mr. O'MALLEY: Committee on Indian Affairs. H. R. 10885. A bill to amend an act entitled "An act authorizing the Court of Claims to hear, consider, adjudicate, and enter judgment upon the claims against the United States of J. A. Tippit and others; and to authorize the Secretary of the Interior to issue patents for certain lands to certain settlers in the Pyramid Lake Indian Reservation, Nev."; without amendment (Rept. No. 2674). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOREN: A bill (H. R. 10879) to extend the services of the National Bureau of Standards by providing for establishing performance standards when in the public

interest, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. McGEHEE: A bill (H. R. 10880) to amend the District of Columbia Unemployment Compensation Act to provide for unemployment compensation in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. SABATH: A bill (H. R. 10881) to allow credits against the title IX tax, of the Social Security Act, for contributions to unemployment funds required by State law, irrespective of time of payment; to the Committee on Ways and Means.

By Mr. MARTIN of Colorado: A bill (H. R. 10884) to protect producers, manufacturers, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, or knitted or felted fabrics and in garments or articles of apparel or other articles made therefrom, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MEAD: Concurrent resolution (H. Con. Res. 62) providing for an increase of funds in connection with the joint resolution entitled "Joint resolution creating a special joint congressional committee to make an investigation of the Tennessee Valley Authority;" to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MAAS: A bill (H. R. 10882) for the relief of Siems-Helmets, Inc.; to the Committee on Claims.

By Mr. SACKS: A bill (H. R. 10883) for the relief of Sam Knubowiec, also known as Sam Riss; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5329. By Mr. LUTHER A. JOHNSON: Petition of Hon. Jerry E. Clarke, the criminal district attorney of Hillsboro, Tex., favoring House bill 6587, to blanket all of the deputy collectors of internal revenue into civil service; to the Committee on the Civil Service.

5330. By Mr. DIXON: H. R. No. 165, memorializing the Congress of the United States to adopt legislation which would authorize the Federal Government to assume the assessments and bear the entire cost of the improvements made by the Muskingum conservancy district; to the Committee on Appropriations.

5331. By Mr. HART: Memorial of the Assembly of the State of New Jersey, memorializing Congress to eliminate the taxation of gasoline by the Federal Government, leaving the taxation of sales of gasoline exclusively to the States as a means of providing funds for road construction and maintenance; to the Committee on Ways and Means.

5332. By Mr. KENNEDY of New York: Petition of the New York Works Progress Administration, Chapter 32, of Federation of Architects, Engineers, Chemists, and Technicians, requesting support of the Walsh-Healey bill (H. R. 6449); to the Committee on the Judiciary.

5333. By Mr. LAMBERTSON: Petition of A. S. Strain and 526 other citizens of Shawnee and Marshall Counties, Kans., urging passage of CHARLES N. CROSBY's bill providing for a fund to be raised by a 2-percent gross income tax, to be prorated to all eligibles over 60 years old, with the amendments offered by Congressman BOILEAU; to the Committee on Ways and Means.

5334. By Mr. LAMNECK: Petition of Beatty, Coady-Myers, of Franklin County, Ohio, memorializing the Congress of the United States to exercise its right to coin and regulate the value of money in accordance with the provisions of section 8, paragraph 5, article 1, in order to provide relief for the unemployed; to the Committee on Coinage, Weights, and Measures.

5335. By Mr. O'NEAL of Kentucky: Petition of citizens of Louisville, Ky., in behalf of House bill 4199 and other legislation; to the Committee on Ways and Means.

5336. By the SPEAKER: Petition of the Utility Workers Union, Local 111, Bronx, N. Y., petitioning consideration of their petitions with reference to having enacted into law President Roosevelt's program for economic recovery; to the Committee on Ways and Means.

5337. Also, petition of Salathiel Frazier, Glasgow, Mo., and others, petitioning consideration of their petition and program; to the Committee on Ways and Means.

SENATE

FRIDAY, JUNE 10, 1938

(Legislative day of Tuesday, June 7, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, June 9, 1938, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. LEWIS. Mr. President, in view of the legislation the Senate is to consider this morning, I note the absence of a quorum and ask that the roll be called.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Holt	O'Mahoney
Andrews	Copeland	Hughes	Overton
Ashurst	Davis	Johnson, Calif.	Pepper
Austin	Dieterich	Johnson, Colo.	Pittman
Bailey	Donahay	King	Pope
Bankhead	Duffy	La Follette	Radcliffe
Barkley	Ellender	Lee	Reames
Berry	Frazier	Lewis	Reynolds
Bilbo	George	Lodge	Russell
Bone	Gerry	Logan	Schwartz
Borah	Gibson	Loneragan	Schwellenbach
Brown, Mich.	Gillette	Lundeen	Sheppard
Brown, N. H.	Glass	McAdoo	Shipstead
Bulkeley	Green	McGill	Smith
Bulow	Guffey	McKellar	Thomas, Utah
Burke	Hale	McNary	Townsend
Byrd	Harrison	Miller	Truman
Byrnes	Hatch	Milton	Vandenberg
Capper	Hayden	Minton	Van Nuys
Caraway	Herring	Murray	Wagner
Chavez	Hill	Neely	Walsh
Clark	Hitchcock	Norris	Wheeler

Mr. LEWIS. I announce that the Senator from Iowa [Mr. GILLETTE], the Senator from Connecticut [Mr. MALONEY], the Senator from Nevada [Mr. McCARRAN], the Senator from New Jersey [Mr. SMATHERS], the Senator from Oklahoma [Mr. THOMAS], and the Senator from Maryland [Mr. TYDINGS] are detained from the Senate on important public business.

Mr. AUSTIN. I announce that the Senator from New Hampshire [Mr. BRIDGES] is absent because of the death of his wife.

The VICE PRESIDENT. Eighty-eight Senators have answered to their names. A quorum is present.

L. H. PARKER

Mr. HARRISON. Mr. President, I desire to call the attention of the Senate to the fact that at a meeting of the Joint Committee on Internal Revenue Taxation held this morning the resignation of the chief of staff of the committee, Mr. L. H. Parker, was accepted.

Mr. Parker has been with the joint committee since it was first organized 12 years ago. The committee was created by the Revenue Act of 1926, and Mr. Parker first became associated with it as Chief of the Division of Investigation. He served in that capacity until 1929, when the staff of the committee was reorganized, and he was then named chief of staff. He has served in that important position continuously.